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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31559; Amdt. No. 4125]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPS) and associated Takeoff Minimums and Obstacle Departure procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective August 27, 2024. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 27, 2024.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30. 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

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

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Standards Section Manager, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Office of Safety Standards, Flight Standards Service, Aviation Safety, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., STB Annex, Bldg. 26, Room 217, Oklahoma City, OK 73099. Telephone (405) 954–1139.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The applicable FAA Forms are 8260–3, 8260–4, 8260–5, 8260–15A, 8260–15B, when required by an entry on 8260–15A, and 8260–15C.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, pilots do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers or aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPS, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Air Missions (NOTAM) as an emergency action of immediate flights safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under

5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Lists of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on August 2, 2024.

Thomas J. Nichols,

Standards Section Manager, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Office of Safety Standards, Flight Standards Service, Aviation Safety, Federal Aviation Administration.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, 14 CFR part 97 is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97–STANDARD INSTRUMENT APPROACH PROCEDURES

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

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 5 September 2024

Deadhorse, AK, SCC/PASC, ILS OR LOC RWY 6, Amdt 5
Deadhorse, AK, SCC/PASC, LOC BC RWY 24, Amdt 1
Dillingham, AK, PADL, LOC RWY 19, Amdt 8
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Dillingham, AK, DLG/PADL, RNAV (GPS) Z RWY 19, Amdt 4
Dillingham, AK, DLG/PADL, RNAV (RNP) Y RWY 1, Orig
Dillingham, AK, DLG/PADL, RNAV (RNP) Y RWY 19, Orig
Dillingham, AK, PADL, Takeoff Minimums and Obstacle DP, Amdt 4
Dillingham, AK, PADL, VOR RWY 1, Amdt 10
Petersburg, AK, PSG/PAPG, LDA–D, Amdt 7A
Point Hope, AK, PHO/PAPO, RNAV (GPS) RWY 1, Amdt 1A, CANCELED
Point Hope, AK, PHO/PAPO, RNAV (GPS) RWY 3, Orig
Point Hope, AK, PHO/PAPO, RNAV (GPS) RWY 19, Amdt 1A, CANCELED
Point Hope, AK, PHO/PAPO, RNAV (GPS) RWY 21, Orig
Point Hope, AK, PHO/PAPO, RNAV (GPS)–A, Orig
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Point Hope, AK, PAPO, Takeoff Minimums and Obstacle DP, Amdt 1, CANCELED
Scammon Bay, AK, SCM/PACM, RNAV (GPS) RWY 11, Amdt 1
Scammon Bay, AK, SCM/PACM, RNAV (GPS) RWY 29, Amdt 2
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Punta Gorda, FL, PGD, VOR RWY 4, Amdt 1, CANCELED
Punta Gorda, FL, PGD, VOR RWY 22, Amdt 5, CANCELED
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Mason City, IA, MCW, RNAV (GPS) RWY 12, Orig
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Ottumwa, IA, OTM, RNAV (GPS) RWY 13, Amdt 2
Ottumwa, IA, OTM, VOR RWY 13, Amdt 8, CANCELED
Perry, IA, KPRO, RNAV (GPS) RWY 14, Orig-B, CANCELED
Perry, IA, KPRO, RNAV (GPS) RWY 14, Orig, REINSTATED
Perry, IA, KPRO, RNAV (GPS) RWY 32, Amdt 1B, CANCELED
Perry, IA, KPRO, RNAV (GPS) RWY 32, Orig, REINSTATED
Jerome, ID, KJER, Takeoff Minimums and Obstacle DP, Amdt 3A
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Newark, NJ, EWR, RNAV (GPS) X RWY 29, Orig-C
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Monticello, NY, MSV, RNAV (GPS) RWY 15, Amdt 1
Monticello, NY, MSV, RNAV (GPS) RWY 33, Amdt 2
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Union, SC, 35A, RNAV (GPS) RWY 23, Amdt 1
Desmet, SD, 6E5, RNAV (GPS) RWY 16, Orig
Desmet, SD, 6E5, RNAV (GPS) RWY 34, Orig
Desmet, SD, 6E5, Takeoff Minimums and Obstacle DP, Orig
Knoxville, TN, TYS, RADAR 1, Amdt 23, CANCELED

Fort Stockton, TX, KFST, Takeoff Minimums and Obstacle DP, Amdt 1
Wilbur, WA, 2S8, RNAV (GPS) RWY 2, Orig
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Rhinelander, WI, RHI, RNAV (GPS) RWY 27, Amdt 2
Rhinelander, WI, RHI, RNAV (GPS) RWY 33, Amdt 2

Rescinded: On July 1, 2024 (89 FR 54340), the FAA published an Amendment in Docket No. 31553, Amdt No. 4119, to part 97 of the Federal Aviation Regulations under § 97.33. The following entry for Chicago/Prospect Heights/Wheeling, IL, effective September 5, 2024, is hereby rescinded in its entirety:

Chicago/Prospect Heights/Wheeling, IL, PWK, RNAV (GPS) RWY 30, Amdt 1

[FR Doc. 2024–19066 Filed 8–26–24; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31560; Amdt. No. 4126]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective August 27, 2024. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 27, 2024.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA).

For information on the availability of this material at NARA, visit *www.archives.gov/federal-register/cfr/ibr-locations* or email *fr.inspection@nara.gov.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Standards Section Manager, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Office of Safety Standards, Flight Standards Service, Aviation Safety, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., STB Annex, Bldg. 26, Room 217, Oklahoma City, OK 73099. Telephone: (405) 954–1139.

SUPPLEMENTARY INFORMATION:

This rule amends 14 CFR part 97 by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Air Missions (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, pilots do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary. This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on August 2, 2024.

Thomas J. Nichols,

Standards Section Manager, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Office of Safety Standards, Flight Standards Service, Aviation Safety, Federal Aviation Administration.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, 14 CFR part 97 is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

**** Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
5–Sep–24	AK	Deadhorse	Deadhorse	4/3923	6/26/2024	This NOTAM, published in Docket No. 31558, Amdt No. 4124, TL 24–19, (89 FR 63282, August 5, 2024) is hereby rescinded in its entirety.
5–Sep–24	AK	Deadhorse	Deadhorse	4/3924	6/26/2024	This NOTAM, published in Docket No. 31558, Amdt No. 4124, TL 24–19, (89 FR 63282, August 5, 2024) is hereby rescinded in its entirety.

AIRAC date	State	City	Airport	FDC No.	FDC date	Procedure name
5–Sep–24	IN	Gary	Gary/Chicago Intl	4/0510	7/17/2024	Takeoff Minimums and Obstacle DP, Amdt 8.
5–Sep–24	OH	Waverly	Pike County	4/0590	7/11/2024	RNAV (GPS) RWY 7, Amdt 2.
5–Sep–24	OH	Waverly	Pike County	4/0591	7/11/2024	RNAV (GPS) RWY 25, Amdt 1B.
5–Sep–24	MO	Bolivar	Bolivar Muni	4/0685	7/15/2024	RNAV (GPS) RWY 36, Orig-B.
5–Sep–24	MO	Bolivar	Bolivar Muni	4/0686	7/15/2024	RNAV (GPS) RWY 18, Orig-A.
5–Sep–24	PA	Philadelphia	Philadelphia Intl	4/0714	7/11/2024	ILS V RWY 17 (CONVERGING), Amdt 7.
5–Sep–24	MN	Worthington	Worthington Muni	4/0759	7/16/2024	RNAV (GPS) RWY 11, Amdt 1A.
5–Sep–24	LA	Alexandria	Alexandria Intl	4/1429	7/16/2024	RNAV (GPS) RWY 32, Amdt 1C.
5–Sep–24	LA	Alexandria	Alexandria Intl	4/1430	7/16/2024	VOR/DME RWY 32, Amdt 1C.
5–Sep–24	KY	Hartford	Ohio County	4/1433	7/16/2024	RNAV (GPS) RWY 3, Orig-E.
5–Sep–24	NC	Fayetteville	Fayetteville Rgnl/Grannis Fld.	4/2256	7/15/2024	RNAV (GPS) RWY 10, Orig-B.
5–Sep–24	IN	Gary	Gary/Chicago Intl	4/2412	7/17/2024	RNAV (RNP) Z RWY 12, Amdt 2.
5–Sep–24	IN	Gary	Gary/Chicago Intl	4/2418	7/17/2024	RNAV (GPS) RWY 2, Orig-A.
5–Sep–24	IN	Gary	Gary/Chicago Intl	4/2419	7/17/2024	RNAV (GPS) RWY 20, Orig-A.
5–Sep–24	IN	Gary	Gary/Chicago Intl	4/2421	7/17/2024	RNAV (GPS) Y RWY 12, Amdt 3.
5–Sep–24	IN	Gary	Gary/Chicago Intl	4/2423	7/17/2024	RNAV (GPS) Y RWY 30, Amdt 2.
5–Sep–24	IN	Gary	Gary/Chicago Intl	4/2424	7/17/2024	RNAV (RNP) Z RWY 30, Amdt 2.
5–Sep–24	IN	Gary	Gary/Chicago Intl	4/2425	7/17/2024	COPTER ILS OR LOC RWY 30, Amdt 1.
5–Sep–24	IN	Gary	Gary/Chicago Intl	4/2426	7/17/2024	ILS OR LOC RWY 30, Amdt 7.
5–Sep–24	MN	Morris	Morris Muni/Charlie Schmidt Fld.	4/2879	7/16/2024	Takeoff Minimums and Obstacle DP, Amdt 1.
5–Sep–24	KS	Liberal	Liberal Mid-America Rgnl	4/2995	7/17/2024	RNAV (GPS) RWY 35, Orig-B.
5–Sep–24	CA	Oxnard	Oxnard	4/5488	7/8/2024	RNAV (GPS) RWY 25, Amdt 1C.
5–Sep–24	CA	Victorville	Southern California Logistics.	4/5675	6/4/2024	LOC RWY 17, Amdt 3.
5–Sep–24	PA	Philadelphia	Philadelphia Intl	4/6499	7/8/2024	RNAV (RNP) Z RWY 9R, Orig-E.
5–Sep–24	PA	Philadelphia	Philadelphia Intl	4/6500	7/8/2024	RNAV (RNP) Z RWY 9L, Orig-D.
5–Sep–24	SC	Newberry	Newberry County	4/6978	7/24/24	NDB RWY 22, Amdt 6D.
5–Sep–24	WA	Wenatchee	Pangborn Meml	4/7020	7/24/24	ILS Z RWY 12, Orig.
5–Sep–24	OH	Cincinnati	Cincinnati Muni/Lunken Fld	4/7066	7/24/24	ILS OR LOC RWY 21, Orig.
5–Sep–24	DC	Washington	Ronald Reagan Washington Ntl.	4/7882	7/9/2024	RNAV (GPS) RWY 15, Orig-C.
5–Sep–24	MT	Great Falls	Great Falls Intl	4/8028	7/8/2024	VOR RWY 21, Amdt 10A.
5–Sep–24	OH	Marysville	Union County	4/8043	7/8/2024	RNAV (GPS) RWY 9, Orig-B.
5–Sep–24	ME	Sanford	Sanford Seacoast Rgnl	4/8565	7/9/2024	RNAV (GPS) RWY 25, Orig-D.
5–Sep–24	WI	Madison	Dane County Rgnl/Truax Fld.	4/8988	7/10/2024	ILS OR LOC/DME RWY 36, ILS RWY 36 (SA CAT I), ILS RWY 36 (CAT II AND III), Amdt 2A.

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 734, 740, 744, and 746

[Docket No. 240820–0220]

RIN 0694–AJ78

Implementation of Additional Sanctions Against Russia and Belarus Under the Export Administration Regulations (EAR); and Corrections

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

ACTION: Final rule.

SUMMARY: In this final rule, the Bureau of Industry and Security (BIS) makes changes to the Russian and Belarusian sanctions under the Export Administration Regulations (EAR). This final rule expands the scope of the Russia/Belarus-Military End User (MEU) Foreign-Direct Product (FDP) rule, and renames it accordingly, so that the rule will also apply to transactions involving entities on the Entity List that pose a significant risk of involvement in the supply or diversion of items subject to the EAR to procurement networks for Russia's and Belarus's defense industry or intelligence services. This final rule also adds controls on the export, reexport, or transfer (in-country) to or within Russia or Belarus of ''software'' for the operation of computer numerical control (CNC) machine tools. In addition, this final rule makes corrections and clarifications to certain aspects of the EAR's Russia and Belarus sanctions.

DATES: This rule is effective August 27, 2024 except for amendatory instruction 11, which is effective September 16, 2024.

FOR FURTHER INFORMATION CONTACT:

For general questions on this final rule, contact Collmann Griffin, Senior Policy Advisor, International Policy Office, Bureau of Industry and Security, Department of Commerce, Phone: 202–482–1430, Email: *william.griffin@bis.doc.gov*.

For questions on the Entity List changes in this final rule, contact Chair, End-User Review Committee, Office of the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–5991, Email: *ERC@bis.doc.gov*. For emails, include ''Russia and Belarus, August 2024 export control measures'' in the subject line.

SUPPLEMENTARY INFORMATION:

I. Background

A. Export Controls Implemented Against Russia and Belarus

In response to Russia's February 2022 full-scale invasion of Ukraine, BIS imposed extensive sanctions on Russia under the EAR as part of the final rule, ''Implementation of Sanctions Against Russia Under the Export Administration Regulations (EAR)'' (''Russia Sanctions Rule'') (87 FR 12226, March 3, 2022). To address Belarus's complicity in the invasion, BIS imposed similar sanctions on Belarus under the EAR in a final rule, ''Implementation of Sanctions Against Belarus'' (''Belarus Sanctions Rule'') (87 FR 13048, March 6, 2022). Since March 2022, BIS has published numerous final rules strengthening the export controls on Russia and Belarus, including measures undertaken in coordination with U.S. allies and partners.

B. Overview of This Final Rule

BIS is amending the EAR (15 CFR parts 730 through 774) to strengthen export controls against Russia and Belarus by targeting entities that pose a risk of supplying items to the Russian and Belarusian defense industry or intelligence services by making them subject to foreign direct product rule-related restrictions. This final rule also imposes licensing requirements on certain operation ''software'' designated as EAR99 that is destined for Russia or Belarus and corrects or clarifies certain Russia and/or Belarus export controls that were added to the EAR by rules issued earlier this year. The three sets of changes this final rule makes are described in section II as follows:

A. Expansion of FDP rule to apply to Russia and Belarus Procurement Entities;

B. Addition of License Requirements for Operation ''Software'' for Machine Tools; *and*

C. Corrections and clarifications to the EAR's Russia and Belarus controls that are related to a January 2024 Final Rule and a June 2024 Final Rule.

II. Amendments to the EAR

A. Expansion of FDP Rule To Apply to Russia and Belarus Procurement Entities

The EAR's jurisdiction extends to certain foreign-made items that meet the criteria under one of the FDP rules under § 734.9 that are the ''direct product'' of certain ''technology'' or ''software'' or produced by a complete plant or 'major component' of a plant that itself is a ''direct product'' of certain ''technology'' or ''software.'' Each FDP rule also includes a product scope, and certain FDP rules include an end-user or end-use scope. Among these different FDP rules, there are two that are specific to Russia and Belarus that were added to the EAR to address Russia's full-scale invasion of Ukraine: (1) the FDP rule under § 734.9(f) (Russia/Belarus/Temporarily occupied Crimea region of Ukraine FDP rule); and (2) the FDP rule under § 734.9(g) (Russia/Belarus-Military End User FDP rule). The Russia/Belarus/Temporarily occupied Crimea region of Ukraine FDP rule applies to the destinations of Russia/Belarus/Temporarily occupied Crimea region of Ukraine, and the Russia/Belarus-Military End User FDP rule has a broader product scope that is specific to Russian and Belarusian Military End Users, wherever located. As described in this section II.A, this final rule expands the scope of the Russia/Belarus-Military End User FDP Rule to further address the national security and foreign policy concerns due to the significant risk of procurement entities (as described below) supplying items to the Russian and Belarusian defense industry or intelligence services.

Specifically, this final rule is modifying the name of the Russia/Belarus-Military End User FDP rule in § 734.9(g) to the ''Russia/Belarus-Military End User and Procurement FDP rule,'' so that the rule, as renamed, applies to both Russian and Belarusian military end users as defined in § 744.21 of the EAR, as well as to a second, new category of entities under the EAR: Russian or Belarusian Procurement Entities (*i.e.,* an entity that poses a significant risk of involvement in the supply or diversion of items subject to the EAR to procurement networks for Russia's or Belarus's defense industry or intelligence services) (as described below). Such Russian or Belarusian Procurement Entities are entities placed on the Entity List under § 744.11 of the EAR and that pose a significant risk of involvement in the supply or diversion of items subject to the EAR to procurement networks for Russia's or Belarus's defense industry or intelligence services. Entities affected by the Russia/Belarus-Military End User and Procurement FDP rule will continue to be identified with footnote 3 on the Entity List in supplement no. 4 to part 744. The standard for a footnote 3 designation, as revised and expanded to refer to Russian or Belarusian Procurement entities, is described in note 3 to paragraph (g) in § 734.9. All footnote 3 designated entities will be

subject to the (now renamed) Russia/Belarus-Military End User and Procurement FDP rule set forth in § 734.9(g), along with the license requirements set forth in § 746.8(a)(3) of the EAR.

The creation of this new category of Russian and Belarusian Procurement Entities addresses the continuing efforts of Russia and Belarus to obtain items needed to support Russia's war against Ukraine. As the U.S. and its partners and allies have steadily expanded the scope of export controls against Russia and Belarus since Russia's unprovoked full-scale invasion of Ukraine in February 2022, Russia and Belarus have in turn developed extensive procurement networks to obtain restricted items from third countries. These procurement networks have been used to funnel controlled items, including those described on the Common High Priority List (see *https://www.bis.doc.gov/index.php/all-articles/13-policy-guidance/country-guidance/2172-russia-export-controls-list-of-common-high-priority-items*), and including microelectronics and other items that have been recovered from Russian weapons systems found on the battlefield in Ukraine, to Russia's defense industrial base. Due to the elongated nature of these supply chains, entities involved in this procurement may be multiple steps removed from military production, even as they supply items critical to Russia's war effort. This has been especially true as Russia and Belarus have shifted their economies to a wartime footing, converting large sectors of their industry to support the production of weapons systems and other items needed by the military. As a result, many of the items (including foreign-produced items that may be U.S.-branded) that are sought out by these procurement networks (*e.g.,* the kinds of items described in § 744.21(f) of the EAR) are likely destined for military end uses in Russia or Belarus, or to intelligence services in furtherance of Russia's war. It is possible that third-country intermediaries may not have actual knowledge of the intended end use of the items they are providing to Russia or Belarus. This rule will enable the United States to more aggressively target such intermediaries and other procurement entities that are not directly involved in supplying the Russian or Belarusian defense industry or intelligence services, but that obtain items that ultimately support military production or use by intelligence services. For example, as a result of the change made by this rule, an entity in a third country that sends U.S.-branded electronic ''components'' produced outside the United States to a Russian trading company with a record of supplying the Russian defense industry or intelligence services may qualify as a Russian or Belarusian Procurement Entity. This set of FDP-related restrictions under the EAR would limit this entity's ability to continue to obtain the U.S.-branded electronic components that are of concern, including certain foreign-made items, and cut off the support such entity is providing to Russian or Belarusian defense industry or intelligence services. Prior to this, this procurement entity would have had to have been a 'military end user' as defined in § 744.21(g) in order to be subject to the FDP-related restrictions on foreign-made items. To implement this more expansive FDP rule, this rule revises note 3 to paragraph (g) in § 734.9 to establish a standard pursuant to which the End User Review Committee (ERC) may designate an entity as a footnote 3 entity if the ERC determines that the entity is a Russian or Belarusian MEU, as defined in § 744.21 of the EAR, or a Russian or Belarusian Procurement Entity. The rule also makes corresponding changes to the headings to paragraphs (g)(1) and (2) in § 734.9. The ERC, composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy, and, where appropriate, the Treasury, makes all decisions regarding additions to, removals from, or other modifications to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote and makes all decisions to remove or modify an entry by unanimous vote.

Along with the amendments to § 734.9, BIS in this final rule is amending § 744.11 of the EAR to clarify that FDP license requirements relating to footnote 3 are described in § 746.8 of the EAR. In § 744.11 under paragraph (a)(2), the EAR specifies the FDP license requirements associated with footnotes 1 and 4. In this rule, a reference to footnote 3 is added to ensure that reexporters and transferors understand where to find these license requirements. As a conforming change, BIS amends the numbering and organization of the paragraphs under § 744.11(a)(2), so the footnotes associated with the Entity List are specified and described in numerical order. Consistent with these structural changes, paragraph (a)(2)(ii) under § 744.11 is removed and reserved, and new paragraphs (a)(2)(iii) and (iv) under § 744.11 are added for footnote 3 and footnote 4, respectively.

Restrictions on certain military end uses and military end users are located in § 744.21. BIS is making a conforming change to § 744.21 of the EAR to clarify that only footnote 3 entities meeting the MEU definition on the Entity List will cross-reference § 744.21, but footnote 3 entities meeting the procurement-related standard will not cross-reference § 744.21. As a result, § 744.21(a)(2) and (b)(1) are revised to reflect that MEUs placed on the Entity List will be identified with a footnote 3 designation and a reference to § 744.21.

In supplement no. 4 to part 744—Entity List, this final rule makes conforming changes to footnotes 3 and 4. A reference to § 744.11 is added to footnote 3 to parallel the addition of the footnote 3 description in § 744.11(a)(2)(iii) in this final rule, and the paragraphs are reorganized to be in numerical order. With the reorganization of the footnote descriptions under § 744.11(a)(2) in this final rule, footnote 4 is updated by removing the reference to it in paragraph (a)(2)(ii) and adding that reference to paragraph (a)(2)(iv), the location of the description of footnote 4.

In § 746.8 (Sanctions against Russia and Belarus), a conforming change is made to § 746.8(a)(3), which describes the Russian and Belarusian Military End User FDP rule. This FDP rule is being renamed consistent with the changes made by this final rule as the ''Russian and Belarusian Military End User and Procurement FDP rule''. This final rule also amends § 746.8(a)(3) to add a reference to procurement entities for Russia's defense industry or intelligence services. Note 1 to paragraph (a)(3), which had identified MEUs on the Entity List as having a footnote 3 designation, is removed consistent with the changes made by this rule so that footnote 3 designations may be applied to Russian and Belarusian MEUs or to Russian or Belarusian Procurement Entities. The relevant description of a footnote 3 designation is now located in note 3 to paragraph (g) in § 734.9.

BIS estimates these changes described in section II.A will result in an additional fifteen license applications submitted to BIS annually.

B. Imposition of License Requirements for Operation ''Software'' for Machine Tools

With this final rule, BIS is amending the license requirements that apply to ''software'' designated as EAR99 (EAR99 ''software'') in § 746.8(a)(8) of the EAR. Specifically, BIS is adding controls on EAR99 ''software'' for the operation of computer numerical control (CNC) machine tools (*i.e.,* operation

''software'') to ensure that CNC machine tools that are already restricted for export, reexport, and transfer to or within Russia and Belarus under the EAR cannot receive ''software'' updates. While § 746.8 already restricts ''software'' used to design industrial ''parts'' and ''components'' and convert them into machine-readable instructions, this expansion in controls targets operation ''software'' embedded in CNC machine tools that allows them to carry out these instructions to produce the finished industrial ''parts'' and ''components,'' including:

- ''Software'' that provides a user interface for setting up, operating, and troubleshooting the machine tool;
- ''Software'' that translates the instructions produced by computer-aided manufacturing (CAM) software into physical actions by the machine tool;
- ''Software'' that monitors conditions during the machining process; *and*
- ''Software'' that automatically adjusts the machine tool's settings based on real-time conditions.

Much of this ''software'' is typically installed within the machine tool itself, and software updates are often purchased and loaded after the fact. Machine tools currently operating in Russia and Belarus are likely to already have some version of this ''software'' pre-installed. However, it is not uncommon for the companies that produce CNC machine tools to offer ''software'' updates for existing tools which can improve performance by modernizing the ''software'' installed in older tools, or fix ''software'' defects that came to light after the original machine was shipped. Controlling Russian and Belarusian access to these ''software'' updates will limit the utility of these machine tools. As with other EAR99 ''software'' that is otherwise restricted from export, reexport, and transfer (in country) to or within Russia and/or Belarus, there will be an exclusion for EAR99 operation software destined for companies exclusively operating in either of the two countries' agricultural or medical industries (see 89 FR 51644, June 18, 2024; adding 15 CFR 746.8(a)(12)(iv)).

This amendment has a delayed effective date of September 16, 2024, consistent with the effective date of other controls on EAR99 ''software'' that were added in the June 18, 2024 Final Rule.

BIS estimates these changes described in section II.A will result in an additional twenty license applications submitted to BIS annually.

C. Corrections and Clarifications

On January 25, 2024, BIS published the final rule, ''Implementation of Additional Sanctions Against Russia and Belarus Under the Export Administration Regulations (EAR) and Refinements to Existing Controls'' (89 FR 4804) (January 2024 Final Rule) and on June 18, 2024 the final rule, ''Implementation of Additional Sanctions Against Russia and Belarus Under the Export Administration Regulations (EAR) and Refinements to Existing Controls'' (89 FR 51644) (June 2024 Final Rule). This final rule corrects inadvertent errors introduced by those two final rules and eliminates obsolete cross references. BIS estimates that these changes, as described in section II.C.1 through .3, will result in a reduction of five license applications submitted to BIS annually because of the restoration of the availability of certain license exceptions that had been inadvertently rendered unavailable.

1. Correction to License Exception MED To Update the Cross Reference to the License Requirements That May Be Overcome

In § 740.23 (Medical Devices (MED)), this final rule corrects the cross reference to the license requirements that this license exception may overcome. This correction addresses an inadvertent error made by the June 2024 Final Rule that consolidated various Russia and Belarus-related sanctions into an expanded § 746.8. Specifically, this final rule replaces outdated references to §§ 746.5 and 746.10 in the last sentence of paragraph (a) introductory text in § 740.23 with a cross reference to paragraphs (a)(5) through (8) of § 746.8 of the EAR, which is where the applicable license requirements are now located following the consolidation made by the June 2024 Final Rule.

2. Correction to Amendatory Instruction for Software Controls in the June 2024 Final Rule

This final rule also corrects an error inadvertently introduced by an incorrect amendatory instruction in the June 2024 Final Rule. Specifically, amendatory instruction 14a. erroneously omitted the term ''revising.'' By making this correction, the new text from this instruction for § 746.8(a) will be incorporated as intended in the CFR. This error is corrected in instruction 11 of this final rule. Consistent with the June 2024 Final Rule, this correction has a delayed effective date of September 16, 2024.

3. Corrections Involving License Exception Eligibility in § 746.8(c)(2)

In this final rule, BIS issues a correction to text erroneously added by the June 2024 Final Rule that had inadvertently restricted the availability of certain license exceptions for exports, reexports, or transfer (in-country) to or within Russia and Belarus. This correction is made by removing limiting text in paragraphs (c)(2)(i) to (viii) in § 746.8 to correct inconsistencies regarding license exception availability in connection with the Russia controls in §§ 746.5, 746.8, and 746.10 of the EAR.

In the preamble of the January 2024 Final Rule, BIS explained that it was harmonizing license exceptions across §§ 746.5, 746.8, and 746.10 by adding eligibility for several license exceptions or portions of license exceptions that were previously excluded under certain sections of the Russian and Belarus sanctions. However, in certain cases a restriction in the introductory text to paragraph (c) in §§ 746.5, 746.8, and 746.10 was inadvertently retained, thereby resulting in inconsistent limits on the availability of certain license exceptions or portions of those license exceptions. Those limits were subsequently carried over to the revised § 746.8 by the June 2024 Final Rule. BIS is now removing that text from paragraphs (c)(2)(i) to (viii) in § 746.8 as included in the June 2024 Final Rule to reflect the original intent of the January 2024 Final Rule to change the EAR such that the regulatory text specifies the correct limits on license exception availability.

The removal of this limitation does not change the fact that in order to use any EAR license exception, the export, reexport, or transfer (in-country) must not be otherwise restricted under § 740.2, must meet all of the applicable terms and conditions of the referenced license exception, and must also be consistent with § 746.8(c), which excludes the use of all EAR license exceptions, except for those license exceptions or portions of license exceptions specifically identified in § 746.8(c).

To implement these changes in § 746.8, this final rule corrects paragraph (c)(1) to remove the restriction on the use of license exceptions for the license requirements in paragraph (a)(8) of that section. Consistent with the intent of the June 2024 Final Rule, this final rule removes the reference to paragraph (a)(8) regarding the availability of license exceptions from paragraph (c)(1) and adds that reference to paragraph (c)(2).

BIS has also determined that apart from the introductory text of paragraph (c)(2), specifying the applicable license requirements in each paragraph under (c)(2)(i) through (viii) creates unnecessary complexity and confusion. The other restrictions specified in these paragraphs, the terms and conditions of the referenced license exceptions or portions of license exceptions referenced in paragraphs (c)(2)(i) through (viii), and the general restrictions on the use of license exceptions under § 740.2, are sufficient to allow limited exports, reexports, and transfers (in-country) to or within Russia and Belarus that are consistent with U.S. national security and foreign policy interests. For these reasons, BIS makes these changes to § 746.8(c)(1) and (2) to position the reference to paragraph (a)(8) in the paragraph (c)(2) and to simplify the structure of paragraph (c)(2). These changes should facilitate understanding of these provisions while also aligning the regulatory text with the intent of the January 2024 Final Rule.

Savings Clause

For the changes being made in this final rule, shipments of items removed from eligibility for a License Exception or export, reexport, or transfer (in-country) without a license (NLR) as a result of this regulatory action that were en route aboard a carrier to a port of export, reexport, or transfer (in-country), on August 27, 2024, pursuant to actual orders for export, reexport, or transfer (in-country) to or within a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export, reexport, or transfer (in-country) without a license (NLR), provided the export, reexport, or transfer (in-country) is completed no later than on September 26, 2024.

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 of 2018 (ECRA) (codified, as amended, at 50 U.S.C. 4801–4852). ECRA provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this rule.

Rulemaking Requirements

1. BIS has examined the impact of this rule as required by Executive Orders (E.O.) 12866, 13563, and 14094, which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (*e.g.,* potential economic, environmental, public, health, and safety effects, distributive impacts, and equity). Pursuant to E.O. 12866, as amended, this final rule has not been determined to be a ''significant regulatory action.''

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. This rule involves the following OMB-approved collections of information subject to the PRA:

- 0694–0088, ''Simple Network Application Process and Multipurpose Application Form,'' which carries a burden hour estimate of 29.4 minutes for a manual or electronic submission;
- 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.

BIS estimates that these new controls on Russia and Belarus under the EAR will result in an increase of thirty license applications submitted annually to BIS. However, the additional burden falls within the existing estimates currently associated with these control numbers. Additional information regarding these collections of information—including all background materials—can be found at *https://www.reginfo.gov/public/do/PRAMain* by using the search function to enter either the title of the collection or the OMB Control Number.

3. This rule does not contain policies with Federalism implications as that term is defined under E.O. 13132.

4. 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. While section 1762 of ECRA provides sufficient authority for such an exemption, this action is also independently exempt from these APA requirements because it involves a military or foreign affairs function of the United States (5 U.S.C. 553(a)(1)).

5. Because neither the Administrative Procedure Act nor any other law requires that notice of proposed rulemaking and an opportunity for public comment be given for this rule, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no Final Regulatory Flexibility Analysis is required, and none has been prepared.

List of Subjects

15 CFR Part 734

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

15 CFR Part 740

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

15 CFR Part 746

Exports, Reporting and recordkeeping requirements.

Accordingly, parts 734, 740, 744, and 746 of the Export Administration Regulations (15 CFR parts 730 through 774) are revised to read as follows:

PART 734—SCOPE OF THE EXPORT ADMINISTRATION REGULATIONS

■ 1. The authority citation for 15 CFR part 734 continues 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).

■ 2. Section 734.9 is amended by revising the headings of paragraphs (g), (g)(1), and (g)(2), and revising the note to paragraph (g), to read as follows:

§ 734.9 Foreign-Direct Product (FDP) Rules.

* * * * *

(g) *Russia/Belarus-Military End User and Procurement FDP rule.* * * *

(1) *Product Scope of Russia/Belarus-Military End User and Procurement FDP rule.* * * *

* * * * *

(2) *End-user scope of the Russia/Belarus-Military End User and Procurement FDP rule.* * * *

* * * * *

Note 3 to paragraph (g). Footnote 3 may be added to an entity that the End User Review Committee has determined to be either a Russian or Belarusian 'military end user' as defined in § 744.21 of the EAR, or a Russian or Belarusian Procurement Entity that poses a significant risk of involvement in the supply or diversion of items subject to the EAR to procurement networks for Russia's or Belarus's defense industry or intelligence services.

* * * * *

PART 740—LICENSE EXCEPTIONS

■ 3. The authority citation for 15 CFR part 740 continues 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. 7201 *et seq.;* E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

■ 4. Section 740.23 is amended by revising the second to last sentence of paragraph (a) introductory text to read as follows:

§ 740.23 Medical Devices (MED).

* * * * *

(a) * * * This license exception authorizes transactions involving items designated as EAR99 that would otherwise require a license pursuant to § 746.6 or paragraphs (a)(5) through (8) of § 746.8 of the EAR, subject to the terms and conditions described in this section. * * *

* * * * *

PART 744—CONTROL POLICY: END–USER AND END–USE BASED

■ 5. The authority citation for 15 CFR part 744 continues 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. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of September 7, 2023, 88 FR 62439 (September 11, 2023); Notice of November 1, 2023, 88 FR 75475 (November 3, 2023).

■ 6. Amend § 744.11 by removing and reserving paragraph (a)(2)(ii) and adding paragraphs (a)(2)(iii) and (a)(2)(iv) to read as follows:

§ 744.11 License requirements that apply to entities acting or at significant risk of acting contrary to the national security or foreign policy interests of the United States.

* * * * *

(a) * * *

(2) * * *

(iii) *Footnote 3 entities.* License requirements for foreign-produced items involving entities marked with footnote 3 are described in § 746.8(a)(3). The license review policy is set forth in the entry in supplement no. 4 to this part for each entity with a footnote 3 designation.

(iv) *Footnote 4 entities.* You may not, without a license, reexport, export from abroad, or transfer (in-country) any foreign-produced item subject to the EAR pursuant to § 734.9(e)(2) of the EAR when an entity designated with footnote 4 on the Entity List in supp. no. 4 to this part is a party to the transaction, or that will be used in the ''development'' or ''production'' of any ''part,'' ''component,'' or ''equipment'' produced, purchased, or ordered by any such entity. See § 744.23 for additional license requirements that may apply to these entities. The license review policy for foreign-produced items subject to this license requirement is set forth in the entry in supplement no. 4 to this part for each entity with a footnote 4 designation.

* * * * *

■ 7. Section 744.21 is amended by revising the last sentence of paragraph (a)(2) and the third and sixth sentences of the introductory text of paragraph (b)(1) to read as follows:

§ 744.21 Restrictions on certain 'military end uses' or 'military end users'.

(a) * * *

(2) * * * Belarusian or Russian 'military end users' located outside of Belarus or Russia are limited to entities identified on the Entity List under supplement no. 4 to this part with a footnote 3 designation and a reference to this section.

* * * * *

(b) * * *

(1) * * * Such Belarusian or Russian 'military end users' may also be added to supplement no. 4 to this part (Entity List) and will be listed with a footnote 3 designation and a reference to this section. * * * As specified in paragraphs (a)(1) and (2) of this section, 'military end users' of a country identified in this section not located in that same country are exhaustively listed on either the Entity List with a footnote 3 designation and a reference to this section, or on the MEU List under supplement no. 7 this part. * * *

* * * * *

■ 8. Supplement no. 4 to part 744 is amended by revising footnotes 3 and 4 to read as follows:

Supplement No. 4 to Part 744—Entity List

* * * * *

[3] For this entity, ''items subject to the EAR'' includes foreign-produced items that are subject to the EAR under § 734.9(g) of the EAR. See §§ 744.11, 744.21, and 746.8 of the EAR for related license requirements, license review policy, and restrictions on license exceptions.

[4] For this entity, ''items subject to the EAR'' includes foreign-produced items that are subject to the EAR under § 734.9(e)(2) of the EAR. See § 744.11(a)(2)(iv) for related license requirements and license review policy.

* * * * *

PART 746—EMBARGOES and OTHER SPECIAL CONTROLS

■ 9. The authority citation for 15 CFR part 746 continues 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).

■ 10. In § 746.8 amend paragraph (a)(3) by:

■ a. Revising the paragraph heading; and

■ b. Removing note 1 to paragraph (a)(3).

The revision reads as follows:

§ 746.8 Sanctions against Russia and Belarus.

(a) * * *

(3) *Russia/Belarus-Military End User and Procurement FDP rule.* * * *

* * * * *

■ 11. Effective September 16, 2024, amend § 746.8 by:

■ a. Revising the first and last sentences of the introductory text of paragraph (a), and paragraphs (a)(8)(ii); (c)(1) and (2) to read as follows:

§ 746.8 Sanctions against Russia and Belarus.

(a) *License requirements.* Except as described in the exclusions in paragraph (a)(12), and in addition to license requirements specified on the

Commerce Control List (CCL) in supplement no. 1 to part 774 of the EAR and in other provisions of the EAR, including part 744 and other sections of part 746, a license is required as specified under paragraphs (a)(1) through (8) of this section. * * * License requirements in paragraph (a)(4) of this section that apply to exports, reexports, and transfers (in-country) involved in certain end uses should be reviewed only after license requirements in paragraphs (a)(1) through (3) and (5) through (8) of this section are reviewed.

* * * * *

(8) * * *

(ii) The following types of software subject to the EAR are in the scope of paragraph (a)(8): Enterprise resource planning (ERP); customer relationship management (CRM); business intelligence (BI); supply chain management (SCM); enterprise data warehouse (EDW); computerized maintenance management system (CMMS); project management software, product lifecycle management (PLM); building information modelling (BIM); computer aided design (CAD); computer-aided manufacturing (CAM); engineering to order (ETO); and software for the operation of computer numerical control (CNC) machine tools. The scope of paragraph (a)(8) also includes software updates for software identified in this paragraph that are subject to the EAR and designated as EAR99.

* * * * *

(c) * * *

(1) No license exceptions may overcome the license requirements in paragraph (a)(3) of this section, except as specified in the entry for a Footnote 3 entity on the Entity List in supplement no. 4 to part 744 of the EAR.

(2) No license exceptions may overcome the license requirements in paragraphs (a)(1), (2), and (4) through (8) of this section except the following:

(i) License Exception TMP for items for use by the news media as set forth in § 740.9(a)(9) of the EAR.

(ii) License Exception GOV (§ 740.11(b) of the EAR).

(iii) License Exception TSU for software updates for civil end-users that are wholly-owned U.S. subsidiaries, branches, or sales offices; foreign subsidiaries, branches, or sales offices of U.S. companies that are joint ventures with other U.S. companies; joint ventures of U.S. companies with companies headquartered in countries from Country Group A:5 and A:6 in supplement no. 1 to part 740 of the EAR countries; the wholly-owned subsidiaries, branches, or sales offices of companies headquartered in countries from Country Group A:5 and A:6 in supplement no. 1 to part 740; or joint ventures of companies headquartered in Country Group A:5 and A:6 with other companies headquartered in Country Groups A:5 and A:6 (§ 740.13(c) of the EAR).

(iv) License Exception BAG, excluding firearms and ammunition (§ 740.14, excluding paragraph (e), of the EAR).

(v) License Exception AVS, excluding any aircraft registered in, owned or controlled by, or under charter or lease by Russia or Belarus or a national of Russia or Belarus (§ 740.15(a) and (b) of the EAR).

(vi) License Exception encryption commodities, software, and technology (ENC) for civil end-users that are wholly-owned U.S. subsidiaries, branches, or sales offices; foreign subsidiaries, branches, or sales offices of U.S. companies that are joint ventures with other U.S. companies; joint ventures of U.S. companies with companies headquartered in countries from Country Group A:5 and A:6 in supplement no. 1 to part 740 of the EAR countries; the wholly-owned subsidiaries, branches, or sales offices of companies headquartered in countries from Country Group A:5 and A:6 in supplement no. 1 to part 740; or joint ventures of companies headquartered in Country Group A:5 and A:6 with other companies headquartered in Country Groups A:5 and A:6 (§§ 740.13(c) and 740.17 of the EAR).

(vii) License Exception CCD (§ 740.19 of the EAR).

(viii) License Exception MED (§ 740.23 of the EAR).

* * * * *

Thea D. Rozman Kendler,

Assistant Secretary for Export Administration.

[FR Doc. 2024–19132 Filed 8–23–24; 8:45 am]

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744

[Docket No. 240820–0222]

RIN 0694–AJ79

Revisions to the Entity List

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

ACTION: Final rule.

SUMMARY: In this rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) by adding 123 entities under 131 entries to the Entity List. These entries are listed on the Entity List under the destinations of Canada (1), the People's Republic of China (China) (42), the Crimea Region of Ukraine (1), Cyprus (1), Iran (11), Kazakhstan (1), Kyrgyzstan (1), Russia (63), Turkey (8), Ukraine (1), and the United Arab Emirates (UAE) (1). Three entities are added to the Entity List under two destinations and two entities are added to the Entity List under three destinations, which accounts for the difference in the totals. These entities have been determined by the U.S. Government to be acting contrary to the national security or foreign policy interests of the United States.

DATES: This rule is effective August 27, 2024.

FOR FURTHER INFORMATION CONTACT: Chair, End-User Review Committee, Office of the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–5991, Email: *ERC@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Entity List (supplement no. 4 to part 744 of the EAR (15 CFR parts 730 through 774)) identifies entities for which there is reasonable cause to believe, based on specific and articulable facts, that the entities have been involved, are involved, or pose a significant risk of being or becoming involved in activities contrary to the national security or foreign policy interests of the United States, pursuant to § 744.11(b). The EAR impose additional license requirements on, and limit the availability of, most license exceptions for exports, reexports, and transfers (in-country) when a listed entity is a party to the transaction. The license review policy for each listed entity is identified in the ''License Review Policy'' column on the Entity List, and the impact on the availability of license exceptions is described in the relevant **Federal Register** document that added the entity to the Entity List. The Bureau of Industry and Security (BIS) places entities on the Entity List pursuant to part 744 (Control Policy: End-User and End-Use Based) and part 746 (Embargoes and Other Special Controls) of the EAR.

The End-User Review Committee (ERC), composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, where

appropriate, the Treasury, makes all decisions regarding additions to, removals from, or other modifications to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote and makes all decisions to remove or modify an entry by unanimous vote.

Additions to the Entity List

The ERC determined to add Megatek TI Solutions, under the destination of Canada, and MAK Logistics; Megatek Ltd.; Wellgo International Industrial Limited; and Yield Bright Industrial Limited, all under the destination of China to the Entity List. These entities are added for providing U.S.-origin electronics and other items to Russian industry and military-related parties without the required BIS licenses. This activity is contrary to U.S. national security and foreign policy interests under § 744.11 of the EAR. These entities are added with a license requirement for all items subject to the EAR and a license review policy of presumption of denial.

The ERC determined to add eight entities to the Entity List: Incomp Limited, under the destination of China; All Global Trading Elektronik Dis Ticaret Ltd Sti, under the destinations of Kazakhstan, Kyrgyzstan, and Turkey; Aktsionernoe Obshchestvo Radiotekhkomplekt, Izumrud AO, and Severny Reid AO, under the destination of Russia; and ASR Trans Lojistik Ve Dis Tic Ltd Sti, BRK Uluslararasi Nakliyat Tic. Ltd. Sti, and Turkik Union Dijital Teknoloji Donusum Ofisi, under the destination of Turkey. These entities are connected to transshipment networks involved in sending sensitive U.S.-origin technology to Russia. This activity is contrary to U.S. national security and foreign policy interests under § 744.11 of the EAR. The ERC has determined that these entities qualify as Russian Procurement Entities under § 734.9(g) of the EAR and are receiving a footnote 3 designation due to their significant risk of involvement in the supply or diversion of items subject to the EAR to procurement networks for Russia's defense industry or intelligence services. A footnote 3 designation subjects these entities to the Russia/Belarus-Military End User and Procurement Foreign Direct Product (FDP) rule, detailed in § 734.9(g). These entities are added with a license requirement for all items subject to the EAR. They are added with a license review policy of denial.

The End User Review Committee determined to add two addresses, Address 09 and Address 10, under the destination of China and one address, Address 01, under the destination of Turkey to the Entity List. These addresses are associated with significant transshipment of sensitive goods to Russia. BIS has verified that these addresses are associated with a significant number of entities whose activities risk violating the EAR. These risks include associations with parties on the Entity List or the Unverified List at the listed addresses. These activities are contrary to U.S. national security and foreign policy interests under § 744.11 of the EAR. Licenses will be required for all entities at these addresses for all items that are subject to the EAR on the Commerce Control List and supplement no. 7 of part 746 of the EAR. License applications will be reviewed with a license review policy of presumption of denial.

The ERC determined to add the following 34 entities to the Entity List: 3–K Electronics Limited; AllChips Limited; Chipgoo Electronics Limited; Cinty Int'l (HK) Industry Co., Limited; Cloudmax Tech Co., Limited; DGT Technology (HK) Co., Limited; Eastech Electronics Limited; Furuida Heilongjiang Supply Chain Management Co., Ltd.; Grun Group Co., Limited; Hongkong Inkson Technology Limited; Hong Kong Haiheng Electronics Co. Ltd.; Hong Kong Qisu Electronic Technology Co. Ltd.; Hong Kong Yayang Trading Ltd.; Hytera Communications Limited; ICsole Technology Limited; Kvantek Limited; Lett Tronic Group Limited; LL Electronic Limited; Mei Xin Electronic (HK) Co., Limited; Midas Lighting Limited; Minhoo Logistics Limited; O-Nice Trading Co. Limited; Piraclinos Limited; RYX Electronic (HK) Limited; Shenzhen Bailiansheng Electronic Science and Technology Co., Ltd; Shenzhen BZ Space Technology Co., Ltd.; Shenzhen Dongpengshang Electronics Co., Ltd.; Shenzhen SCH Technology Co., Ltd.; Siliborn Technology Limited; Superchip Limited; Tengxuxing Electronic Technology HK Limited; and Yusha Group Co. Ltd. under the destination of China; Merlion Trade Worldwide Ltd. under the destination of Cyprus; and Confienza Pazarlama Ve Ticaret Anonim Sirketi under the destination of Turkey. These entities are added for continuing to procure or attempting to procure items in support of Russia's military and/or defense industrial base. Specifically, these 34 entities have supplied U.S.-origin and U.S.-branded components on behalf of Russian entities that have been sanctioned since Russia's full-scale invasion of Ukraine or are otherwise linked to the Russian defense industrial base. This activity is contrary to U.S. national security and foreign policy interests under § 744.11 of the EAR. The ERC has determined that these entities qualify as Russian Procurement Entities under § 734.9(g) of the EAR and are receiving a footnote 3 designation due to their significant risk of involvement in the supply or diversion of items subject to the EAR to procurement networks for Russia's defense industry or intelligence services. A footnote 3 designation subjects these entities to the Russia/Belarus-Military End User and Procurement Foreign Direct Product (FDP) rule, as detailed in § 734.9(g) of the EAR. These entities are added with a license requirement for all items subject to the EAR. They are added with a license review policy of denial.

The ERC determined to add eleven entities under the destination of Iran to the Entity List for actions contrary to the national security or foreign policy interests of the United States: Arvin Fan Avar Vira Company; BuyBest Electronic; Digi Ghate; Fidar System Pooyan; General Electronic; IC Kala; Iran Compo Co.; Javan Electronic Company; SkyTech Electronic; Tehran Pishro Trading Co.; and Zagros Electronic. BuyBest Electronic is also being listed under the destinations of China and Turkey, and Tehran Pishro Trading Co. is also listed under the destinations of China and the United Arab Emirates. These eleven entities under fifteen entries are connected to the supply of, or attempts to supply, U.S.-origin items to Iran, some of which are Tier 1 items on the Common High Priority List of items needed by Russia's military to sustain its brutal attack on Ukraine. (*See https://www.bis.doc.gov/index.php/all-articles/13-policy-guidance/country-guidance/2172-russia-export-controls-list-of-common-high-priority-items.*) This activity is contrary to U.S. national security and foreign policy interests under § 744.11 of the EAR. These entities are added with a license requirement for all items subject to the EAR and a license review policy of presumption of denial.

The ERC determined to add the following 48 entities under the destination of Russia to the Entity List: Complex Unmanned Solutions Center LTD; Federal Government Budget Institution State Institute for Experimental Military Medicine; Federal State Enterprise Aleksinsky Chemical Plant; Federal State Enterprise Kamenksy Combine; Federal State Enterprise Perm Powder Plant; Joint Stock Company 75 Arsenal; Joint Stock Company 419 Aircraft Repair Plant; Joint Stock Company Astrophysika National Centre of Laser Systems and

Complexes; Joint Stock Company Aviation Reducers and Transmissions—Perm Motors; Joint Stock Company Central Design Bureau of Apparatus Engineering; Joint Stock Company Class; Joint Stock Company Dubnenskiy Machine-Building Plant named after N. P. Fedorova; Joint Stock Company Eirburg; Joint Stock Company Electroavtomatika; Joint Stock Company Gazprom Space Systems; Joint Stock Company Helicopter Service Company; Joint Stock Company Institute of Applied Physics; Joint Stock Company Jupiter Plant; Joint Stock Company Kumertau Aviation Production Enterprise; Joint Stock Company M.V. Frunze Arsenal Design Bureau; Joint Stock Company National Helicopter Construction Center named after M.L. Mil and N.I. Kamov; Joint Stock Company ODK-Klimov; Joint Stock Company Polimer; Joint Stock Company Progress Arsenyev Aviation Company; Joint Stock Company Radioavionika; Joint Stock Company Research Production Association Kurganpribor; Joint Stock Company Scientific-Technical Center for Electronic Warfare; Joint Stock Company Strommashina Shield; Joint Stock Company Verkhneturinsky Machine Building Plant; Joint Stock Company VNIIR-Progress; Joint Stock Company Volsk Mechanical Plant; Joint Stock Company Zavod Korpusov; Limited Liability Company Eliars; Limited Liability Company Hotu Tent; Limited Liability Company K.ARMA; Limited Liability Company Laggar Pro; Limited Liability Company Lipetsk Mechanical Plant; Limited Liability Company Moscow Arms Company; Limited Liability Company NPK Aerokon; Limited Liability Company Plaz; Limited Liability Company Research and Production Company Makrooptika; Limited Liability Company Special Design and Technology Bureau Plastic; Limited Liability Company Zavod Spetsagregat; Open Joint Stock Company Aero Engine Scientific and Technical Company Soyuz; Open Joint Stock Company Balashikhinskiy Liteyno Mekhanicheskiy Zavod; Open Joint Stock Company Machine Building Plant Arsenal; Public Joint Stock Company Taganrog Aviation Scientific-Technical Complex named after G.M. Beriev; and Public Joint Stock Company UEC-Ufa Engine Industrial Association. The ERC also determined to add Joint Stock Company Design Bureau of Navigation Systems under the destinations of Russia and Ukraine, and, under the destinations of the Crimea Region of Ukraine and Russia, Joint Stock Company Special Research Bureau of Moscow Power Engineering Institute. BIS, under § 744.8 of the EAR, imposes license requirements for certain entities on the U.S. Department of the Treasury, Office of Foreign Assets Control's List of Specially Designated Nationals and Blocked Persons (SDN List). These entities have been designated pursuant to E.O. 14024. As such, they are already subject to a license requirement for all items subject to the EAR, pursuant to § 744.8(a)(1)(i)(C). However, these additions to the Entity List are being made because the ERC has determined that they are Russian or Belarusian 'military end users' pursuant to § 744.21. The ERC has determined that these entities are involved in the development, design, production, or maintenance of weapons systems or other items used by the Russian military. A footnote 3 designation subjects these entities to the Russia/Belarus-Military End User and Procurement FDP rule, as detailed in § 734.9(g) of the EAR. Entities subject to § 744.8's license requirements are not subject to the Russia/Belarus-Military End User and Procurement FDP rule, so these entities are being added specifically pursuant to § 744.21. These entities are added with a license requirement for all items subject to the EAR and a license review policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis.

The ERC determined to add six entities, all under the destination of Russia, to the Entity List: OOO Alabuga Development; JSC SEZ PPT Alabuga; OOO GEA; LLC Drake; LLC Alabuga Machinery; and LLC Alabuga Exim. Since February 24, 2022, BIS has implemented a series of stringent export controls that restrict Russia's access to the technologies and other items that it needs to sustain its illegal war in Ukraine. As a result of these enhanced export controls, Russia has sought assistance from Iran to develop and construct an unmanned aerial vehicle (UAV) production facility in its ''Alabuga Special Economic Zone.'' This facility is intended to produce thousands of Shahed-136 drones in support of Russia's war effort against Ukraine. These additions are being made because these entities are tied to, have supplied, or have partnered with Russia's unmanned aerial vehicle (UAV) program, the Alabuga Special Economic Zone, and/or Russia's military-industrial complex. This activity is contrary to U.S. national security and foreign policy interests under § 744.11 and these entities qualify as military end users under § 744.21 of the EAR. These entities are receiving a footnote 3 designation because the ERC has determined that they are Russian or Belarusian 'military end users' pursuant to § 744.21. A footnote 3 designation subjects these entities to the Russia/Belarus-Military End User and Procurement FDP rule, detailed in § 734.9(g). The entities are added with a license requirement for all items subject to the EAR and a license review policy of denial for all items subject to the EAR apart from food and medicine as EAR99, which will be reviewed on a case-by-case basis.

The ERC determined to add four entities: Limited Liability Company Analytical Manufactory; Limited Liability Company Eluent Laboratories; Limited Liability Company Medstandart; and Limited Liability Company Rusmedtorg, under the destination of Russia, and one entity, Biopharmist Medikal Urunler Dis Ticaret LTD STI, under the destination of Turkey, to the Entity List. On June 12, 2024, these entities were designated by the U.S. Department of Treasury's Office of Foreign Assets Control under Executive Order 14024. BIS imposes a license requirement under § 744.8 of the EAR for the export, reexport, and transfer (in-country) of all items subject to the EAR when a person, who is a party to a transaction, is designated on the SDN List with a specified identifier. These additions are being made because the ERC has determined that these entities are Russian or Belarusian 'military end users' pursuant to § 744.21 of the EAR. A footnote 3 designation subjects these entities to the Russia/Belarus-Military End User and Procurement FDP rule, detailed in § 734.9(g). These entities are added with a license requirement for all items subject to the EAR and a license review policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis.

The End User Review Committee determined to add one address, Address 11, under the destination of China to the Entity List. This address is associated with significant transshipment of sensitive goods to Russia. BIS has verified that this address is associated with a significant number of entities whose activities risk violating the EAR. These risks include associations with parties on the U.S. Department of the Treasury's Specially Designated Nationals (SDN) List or parties that have been subject to end use checks that were deemed unverified. These activities are contrary to U.S. national security and foreign policy interests under § 744.11

of the EAR. Licenses will be required for all entities at these addresses for all items on the Commerce Control List and supplement no. 7 of part 746 of the EAR and subject to the EAR. License applications will be reviewed with a license review policy of presumption of denial.

For the reasons described above, this final rule adds the following 123 entities under 131 entries to the Entity List and includes, where appropriate, aliases:

Canada

- Megatek TI Solutions.

China

- 3–K Electronics Limited,
- Address 09,
- Address 10,
- Address 11,
- AllChips Limited,
- BuyBest Electronic,
- Chipgoo Electronics Limited,
- Cinty Int'l (HK) Industry Co., Limited,
- Cloudmax Tech Co., Limited,
- DGT Technology (HK) Co., Limited,
- Eastech Electronics Limited,
- Furuida Heilongjiang Supply Chain Management Co., Ltd.,
- Grun Group Co., Limited,
- Hong Kong Haiheng Electronics Co. Ltd.,
- Hong Kong Qisu Electronic Technology Co. Ltd.,
- Hong Kong Yayang Trading Ltd.,
- Hongkong Inkson Technology Limited,
- Hytera Communications Limited,
- ICsole Technology Limited,
- Incomp Limited,
- Kvantek Limited,
- Lett Tronic Group Limited,
- LL Electronic Limited,
- MAK Logistics,
- Megatek Ltd.,
- Mei Xin Electronic (HK) Co., Limited,
- Midas Lighting Limited,
- Minhoo Logistics Limited,
- O-Nice Trading Co. Limited,
- Piraclinos Limited,
- RYX Electronic (HK) Limited,
- Shenzhen Bailiansheng Electronic Science and Technology Co., Ltd,
- Shenzhen BZ Space Technology Co., Ltd.,
- Shenzhen Dongpengshang Electronics Co., Ltd.,
- Shenzhen SCH Technology Co., Ltd.,
- Siliborn Technology Limited,
- Superchip Limited,
- Tehran Pishro Trading Co.,
- Tengxuxing Electronic Technology HK Limited,
- Wellgo International Industrial Limited,
- Yield Bright Industrial Limited, *and*
- Yusha Group Co. Ltd.

Crimea Region of Ukraine

- Joint Stock Company Special Research Bureau of Moscow Power Engineering Institute.

Cyprus

- Merlion Trade Worldwide Ltd.

Iran

- Arvin Fan Avar Vira Company,
- BuyBest Electronic,
- Digi Ghate,
- Fidar System Pooyan,
- General Electronic,
- IC Kala,
- Iran Compo Co.,
- Javan Electronic Company,
- SkyTech Electronic,
- Tehran Pishro Trading Co., *and*
- Zagros Electronic.

Kazakhstan

- All Global Trading Elektronik Dis Ticaret Ltd Sti.

Kyrgyzstan

- All Global Trading Elektronik Dis Ticaret Ltd Sti.

Russia

- Aktsionernoe Obshchestvo Radiotekhkomplekt,
- Complex Unmanned Solutions Center LTD,
- Federal Government Budget Institution State Institute for Experimental Military Medicine,
- Federal State Enterprise Aleksinsky Chemical Plant,
- Federal State Enterprise Kamenksy Combine,
- Federal State Enterprise Perm Powder Plant,
- Izumrud AO,
- Joint Stock Company 75 Arsenal,
- Joint Stock Company 419 Aircraft Repair Plant,
- Joint Stock Company Astrophysika National Centre of Laser Systems and Complexes,
- Joint Stock Company Aviation Reducers and Transmissions—Perm Motors,
- Joint Stock Company Central Design Bureau of Apparatus Engineering,
- Joint Stock Company Class,
- Joint Stock Company Design Bureau of Navigation Systems,
- Joint Stock Company Dubnenskiy Machine-Building Plant named after N. P. Fedorova,
- Joint Stock Company Eirburg,
- Joint Stock Company Electroavtomatika,
- Joint Stock Company Gazprom Space Systems,
- Joint Stock Company Helicopter Service Company,
- Joint Stock Company Institute of Applied Physics,
- Joint Stock Company Jupiter Plant,
- Joint Stock Company Kumertau Aviation Production Enterprise,
- Joint Stock Company M.V. Frunze Arsenal Design Bureau,
- Joint Stock Company National Helicopter Construction Center named after M.L. Mil and N.I. Kamov,
- Joint Stock Company ODK-Klimov,
- Joint Stock Company Polimer,
- Joint Stock Company Progress Arsenyev Aviation Company,
- Joint Stock Company Radioavionika,
- Joint Stock Company Research Production Association Kurganpribor,
- Joint Stock Company Scientific-Technical Center for Electronic Warfare,
- Joint Stock Company Special Research Bureau of Moscow Power Engineering Institute,
- Joint Stock Company Strommashina Shield,
- Joint Stock Company Verkhneturinsky Machine Building Plant,
- Joint Stock Company VNIIR-Progress,
- Joint Stock Company Volsk Mechanical Plant,
- Joint Stock Company Zavod Korpusov,
- JSC SEZ PPT Alabuga,
- Limited Liability Company Analytical Manufactory,
- Limited Liability Company Eliars,
- Limited Liability Company Eluent Laboratories,
- Limited Liability Company Hotu Tent,
- Limited Liability Company K.ARMA,
- Limited Liability Company Laggar Pro,
- Limited Liability Company Lipetsk Mechanical Plant,
- Limited Liability Company Medstandart,
- Limited Liability Company Moscow Arms Company,
- Limited Liability Company NPK Aerokon,
- Limited Liability Company Plaz,
- Limited Liability Company Research and Production Company Makrooptika,
- Limited Liability Company Rusmedtorg,
- Limited Liability Company Special Design and Technology Bureau Plastic,
- Limited Liability Company Zavod Spetsagregat,
- LLC Alabuga Exim,
- LLC Alabuga Machinery,
- LLC Drake,

- OOO Alabuga Development,
- OOO GEA,
- Open Joint Stock Company Aero Engine Scientific and Technical Company Soyuz,
- Open Joint Stock Company Balashikhinskiy Liteyno Mekhanicheskiy Zavod,
- Open Joint Stock Company Machine Building Plant Arsenal,
- Public Joint Stock Company Taganrog Aviation Scientific-Technical Complex named after G.M. Beriev,
- Public Joint Stock Company UEC-Ufa Engine Industrial Association, *and*
- Severny Reid AO.

Turkey

- Address 01,
- All Global Trading Elektronik Dis Ticaret Ltd Sti,
- ASR Trans Lojistik Ve Dis Tic Ltd Sti,
- Biopharmist Medikal Urunler Dis Ticaret LTD STI,
- BRK Uluslararasi Nakliyat Tic. Ltd. Sti,
- BuyBest Electronic,
- Confienza Pazarlama Ve Ticaret Anonim Sirketi, *and*
- Turkik Union Dijital Teknoloji Donusum Ofisi.

Ukraine

- Joint Stock Company Design Bureau of Navigation Systems.

United Arab Emirates

- Tehran Pishro Trading Co.

Savings Clause

For the changes being made in this final rule, shipments of items removed from eligibility for a License Exception or export, reexport, or transfer (in-country) without a license (NLR) as a result of this regulatory action that were en route aboard a carrier to a port of export, reexport, or transfer (in-country), on August 27, 2024, pursuant to actual orders for export, reexport, or transfer (in-country) to or within a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export, reexport, or transfer (in-country) without a license (NLR) before September 26, 2024. Any such items not actually exported, reexported, or transferred (in-country) before midnight, on September 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 of 2018 (ECRA) (50 U.S.C. 4801–4852). ECRA provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this rule.

Rulemaking Requirements

1. This rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to or 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. This regulation involves an information collection approved by OMB under control number 0694–0088, Simplified Network Application Processing System. BIS does not anticipate a change to the burden hours associated with this collection as a result of this rule. Information regarding the collection, including all supporting materials, can be accessed at *https://www.reginfo.gov/public/do/PRAMain.*

3. This rule does not contain policies with federalism implications as that term is defined in Executive Order 13132.

4. Pursuant to section 1762 of the Export Control Reform Act of 2018, this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date.

5. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* are not applicable.

Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

List of Subjects in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730 through 774) is amended as follows:

PART 744—CONTROL POLICY: END–USER AND END–USE BASED

■ 1. The authority citation for 15 CFR part 744 continues 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. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of September 7, 2023, 88 FR 62439 (September 11, 2023); Notice of November 1, 2023, 88 FR 75475 (November 3, 2023).

■ 2. Supplement no. 4 to part 744 is amended:

■ a. Under CANADA, by adding, in alphabetical order, an entry for ''Megatek TI Solutions'';

■ b. Under CHINA, PEOPLE'S REPUBLIC OF by adding, in alphabetical order, entries for ''3–K Electronics Limited;'' ''Address 09;'' ''Address 10;'' ''Address 11;'' ''AllChips Limited;'' ''BuyBest Electronic;'' ''Chipgoo Electronics Limited;'' ''Cinty Int'l (HK) Industry Co., Limited;'' ''Cloudmax Tech Co., Limited;'' ''DGT Technology (HK) Co., Limited;'' ''Eastech Electronics Limited;'' ''Furuida Heilongjiang Supply Chain Management Co., Ltd.;'' ''Grun Group Co., Limited;'' ''Hong Kong Haiheng Electronics Co. Ltd.;'' ''Hong Kong Qisu Electronic Technology Co. Ltd.;'' ''Hong Kong Yayang Trading Ltd.;'' ''Hongkong Inkson Technology Limited;'' ''Hytera Communications Limited;'' ''ICsole Technology Limited;'' ''Incomp Limited;'' ''Kvantek Limited;'' ''Lett Tronic Group Limited;'' ''LL Electronic Limited;'' ''MAK Logistics;'' ''Megatek Ltd.;'' ''Mei Xin Electronic (HK) Co., Limited;'' ''Midas Lighting Limited;'' ''Minhoo Logistics Limited;'' ''O-Nice Trading Co. Limited;'' ''Piraclinos Limited;'' ''RYX Electronic (HK) Limited;'' ''Shenzhen Bailiansheng Electronic Science and Technology Co., Ltd;'' ''Shenzhen BZ Space Technology Co., Ltd.;'' ''Shenzhen Dongpengshang Electronics Co., Ltd.;'' ''Shenzhen SCH Technology Co., Ltd.;'' ''Siliborn Technology Limited;'' ''Superchip Limited;'' ''Tehran Pishro Trading Co.;'' ''Tengxuxing Electronic Technology HK Limited;'' ''Wellgo International Industrial Limited;'' ''Yield Bright Industrial Limited;'' *and* ''Yusha Group Co. Ltd.'';

■ c. Under CRIMEA REGION OF UKRAINE by adding, in alphabetical order, an entry for ''Joint Stock Company Special Research Bureau of Moscow Power Engineering Institute;''

■ d. Under CYPRUS by adding, in alphabetical order, an entry for ''Merlion Trade Worldwide Ltd.;''

■ e. Under IRAN by adding, in alphabetical order, entries for ''Arvin Fan Avar Vira Company;'' ''BuyBest Electronic;'' ''Digi Ghate;'' ''Fidar System Pooyan;'' ''General Electronic;'' ''IC Kala;'' ''Iran Compo Co.;'' ''Javan Electronic Company;'' ''SkyTech Electronic;'' ''Tehran Pishro Trading Co.;'' *and* ''Zagros Electronic;''

■ f. Under KAZAKHSTAN by adding, in alphabetical order, entries for ''All Global Trading Elektronik Dis Ticaret Ltd Sti;''

■ g. Under KYRGYZSTAN by adding, in alphabetical order, entries for ''All Global Trading Elektronik Dis Ticaret Ltd Sti;''

■ h. Under RUSSIA by adding, in alphabetical order, entries for ''Aktsionernoe Obshchestvo Radiotekhkomplekt;'' ''Complex Unmanned Solutions Center LTD;'' ''Federal Government Budget Institution State Institute for Experimental Military Medicine;'' ''Federal State Enterprise Aleksinsky Chemical Plant;'' ''Federal State Enterprise Kamenksy Combine;'' ''Federal State Enterprise Perm Powder Plant;'' ''Izumrud AO;'' ''Joint Stock Company 75 Arsenal;'' ''Joint Stock Company 419 Aircraft Repair Plant;'' ''Joint Stock Company Astrophysika National Centre of Laser Systems and Complexes;'' ''Joint Stock Company Aviation Reducers and Transmissions—Perm Motors;'' ''Joint Stock Company Central Design Bureau of Apparatus Engineering;'' ''Joint Stock Company Class;'' ''Joint Stock Company Design Bureau of Navigation Systems;'' ''Joint Stock Company Dubnenskiy Machine-Building Plant named after N. P. Fedorova;'' ''Joint Stock Company Eirburg;'' ''Joint Stock Company Electroavtomatika;'' ''Joint Stock Company Gazprom Space Systems;'' ''Joint Stock Company Helicopter Service Company;'' ''Joint Stock Company Institute of Applied Physics;'' ''Joint Stock Company Jupiter Plant;'' ''Joint Stock Company Kumertau Aviation Production Enterprise;'' ''Joint Stock Company M.V. Frunze Arsenal Design Bureau;'' ''Joint Stock Company National Helicopter Construction Center named after M.L. Mil and N.I. Kamov;'' ''Joint Stock Company ODK-Klimov;'' ''Joint Stock Company Polimer;'' ''Joint Stock Company Progress Arsenyev Aviation Company;'' ''Joint Stock Company Radioavionika;'' ''Joint Stock Company Research Production Association Kurganpribor;'' ''Joint Stock Company Scientific-Technical Center for Electronic Warfare;'' ''Joint Stock Company Special Research Bureau of Moscow Power Engineering Institute;'' ''Joint Stock Company Strommashina Shield;'' ''Joint Stock Company Verkhneturinsky Machine Building Plant;'' ''Joint Stock Company VNIIR-Progress;'' ''Joint Stock Company Volsk Mechanical Plant;'' ''Joint Stock Company Zavod Korpusov;'' ''JSC SEZ PPT Alabuga;'' ''Limited Liability Company Analytical Manufactory;'' ''Limited Liability Company Eliars;'' ''Limited Liability Company Eluent Laboratories;'' ''Limited Liability Company Hotu Tent;'' ''Limited Liability Company K.ARMA;'' ''Limited Liability Company Laggar Pro;'' ''Limited Liability Company Lipetsk Mechanical Plant;'' ''Limited Liability Company Medstandart;'' ''Limited Liability Company Moscow Arms Company;'' ''Limited Liability Company NPK Aerokon;'' ''Limited Liability Company Plaz;'' ''Limited Liability Company Research and Production Company Makrooptika;'' ''Limited Liability Company Rusmedtorg;'' ''Limited Liability Company Special Design and Technology Bureau Plastic;'' ''Limited Liability Company Zavod Spetsagregat;'' ''LLC Alabuga Exim;'' ''LLC Alabuga Machinery;'' ''LLC Drake;'' ''OOO Alabuga Development;'' ''OOO GEA;'' ''Open Joint Stock Company Aero Engine Scientific and Technical Company Soyuz;'' ''Open Joint Stock Company Balashikhinskiy Liteyno Mekhanicheskiy Zavod;'' ''Open Joint Stock Company Machine Building Plant Arsenal;'' ''Public Joint Stock Company Taganrog Aviation Scientific-Technical Complex named after G.M. Beriev;'' ''Public Joint Stock Company UEC-Ufa Engine Industrial Association;'' *and* ''Severny Reid AO;''

■ i. Under TURKEY by adding, in alphabetical order, entries for ''Address 01;'' ''All Global Trading Elektronik Dis Ticaret Ltd Sti;'' ''ASR Trans Lojistik Ve Dis Tic Ltd Sti;'' ''Biopharmist Medikal Urunler Dis Ticaret LTD STI;'' ''BRK Uluslararasi Nakliyat Tic. Ltd. Sti;'' ''BuyBest Electronic;'' ''Confienza Pazarlama Ve Ticaret Anonim Sirketi;'' *and* ''Turkik Union Dijital Teknoloji Donusum Ofisi;''

■ j. Under UKRAINE by adding in alphabetical order, an entry for ''Joint Stock Company Design Bureau of Navigation Systems;'' and

■ k. Under UNITED ARAB EMIRATES by adding in alphabetical order, an entry for ''Tehran Pishro Trading Co.''

The additions read as follows:

Supplement No. 4 to Part 744—Entity List

* * * * *

Country	Entity	License requirement	License review policy	Federal Register citation
*	* * *	* *	*	*
CANADA	* *	* *	*	*
	Megatek TI Solutions, a.k.a., the following one alias: —Megatek IT Solutions. 4600 Avenue Colomb, #604, Brossard, Quebec, Canada.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	* *	* *	*	*
CHINA, PEOPLE'S REPUBLIC OF	* *	* *	*	*
	3–K Electronics Limited, a.k.a., the following one alias: —3–K Semiconductors Limited. A15, Shenfang Building, Huaqiang North Road, Futian District, Shenzhen, Guangdong, 518031, China; *and* A105, 1/F, New East Sun Industrial Building, 18 Shing Yip Street, Kwun Tong, Kowloon, Hong Kong; *and* Room 101a, 1/F, Genplas Industrial Building, 56 Hoi Yuen Road, Kwun Tong, Kowloon, Hong Kong.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	* *	* *	*	*

Country	Entity	License requirement	License review policy	**Federal Register** citation
	Address 09, Room 1003, 10/F, Lippo Centre Tower 1, 89 Queensway, Admiralty, Hong Kong.	For items on the CCL and EAR99 items listed in supplement no. 7 to part 746 of the EAR.	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	Address 10, 7/F MW Tower, 111 Bonham Strand, Sheung Wan, Hong Kong.	For items on the CCL and EAR99 items listed in supplement no. 7 to part 746 of the EAR.	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	Address 11, Office 704, 135 Bonham Strand, Sheung Wan, Hong Kong.	For items on the CCL and EAR99 items listed in supplement no. 7 to part 746 of the EAR.	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	* *	* *	*	*
	Allchips Limited, a.k.a., the following sixteen aliases: —Shenzhen Allchips Co., Ltd; —Allchips Group Limited; —Shenzhen Yingzhicheng Information Technology Co., Ltd; —Shenzhen Yingyuan Zhizao Digital Technology Co., Ltd; —Shenzhen Yingke Digital Technology Co., Ltd; —Shenzhen Xinqiqi Technology Co., Ltd; —Shenzhen Xinwuzhong Technology Co., Ltd; —Zhejiang Yingkepai Digital Technology Co., Ltd; —Shenzhen Yingzhicheng Information Technology Co., Ltd; —Shenzhen Yingjie Wisdom Supply Chain Co., Ltd; —Shenzhen Yingjie Technology Co., Ltd; —Shenzhen Forsea Allchips Information & Technology Co., Ltd; —Shenzhen Qianhai Hard City Information Technology Co., Ltd; —Shenzhen Qianhai Yingzhicheng Information Technology Company Limited; —PCBA Online; *and* —YYFab. 20th Floor, E Times, No.159 Heng Road, North of Pingji Avenue, Longgang District, Shenzhen, Guangdong, China; *and* Room 806, 8/F Hang Bong Commercial Centre Jordan, Kowloon, Hong Kong; *and* 902, Building 3, Shenzhen New Generation Industrial Park, 136 Zhongkang Road, Meidu Community, Meilin Subdistrict, Futian District, Shenzhen, Guangdong, China; *and* Room 1205, 12th Floor, Siu Wai Industrial Building, 29–33 Wing Hong Street, Kowloon, Hong Kong; *and* No. 51 Lexin Road, Xinmu Community, Pinghu Subdistrict, Longgang District, Shenzhen, Guangdong, China; *and* 4th Floor, Tower A, Dongsheng Building, No. 8 Zhongguancun East Road, Haidian District, Beijing, China; *and* Room 1601, No.238, Jiangchang 3rd Road, Jing'an District, Shanghai, China; *and* Room 301, 3rd Floor, Pinghu Pioneer Park, Zhongxinbao Group, Fuchengao Community, Pinghu Subdistrict, Longgang District, Shenzhen, Guangdong, China.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	* *	* *	*	*
	BuyBest Electronic, a.k.a., the following three aliases: —Buy Best Electronic Pars; —Buybest Elektronik İthalat İhracat Limited Şirketi; *and* —Andriman Group İnşaat İthalat İhracat Sanayi Ve Ticaret Limited Şirketi. 1201 Room, Guo Li Building, Zhonghang Road, Futian District, Shenzhen, China. (See alternate addresses under Iran and Turkey.)	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	* *	* *	*	*

Country	Entity	License requirement	License review policy	Federal Register citation
	Chipgoo Electronics Limited, a.k.a., the following seven aliases: —Chipgoo; —Chipgoo Technology; —Endezo Technology (Hong Kong) Limited; —Endezo Technology; —Endezo; —Shenzhen Yindezhou Technology Co., Ltd.; *and* —Shenzhen Yindezhou Technology. Unit 318 (WL602), 3rd Floor, Sunbeam Centre, 27 Shing Yip St, Kwun Tong, Kowloon, Hong Kong; *and* Rm A29, 24th Floor, Regent's Park Prince Industrial Building, 706 Prince Edward Rd. East, Kowloon, Hong Kong; *and* Room 13, 27/F, Ho King Commercial Center, 2–16 Fa Yuen Street, Mong Kok, Kowloon, Hong Kong; *and* Room G, 26th Floor, Hangdu Building, No. 1006 Haufu Road, Futian District, Shenzhen, China; *and* Room 1223, New Asia Guoli Building, Zhonghang Road, Huaqiang North Subdistrict, Futian, Shenzhen, China.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	* * * * * *			
	Cinty Int'l (HK) Industry Co., Limited, a.k.a., the following five aliases: —Cinty International HK Industry Co. Ltd.; —Cinty Int'l HK Industry Co., Ltd.; —HK Cinty Co., Limited; —Cinty Semiconductor Limited; *and* —HKCinty Electronics. Rm 3008–3009, Block A, Jiahe Huaqiang Bulding, Shennan Road, Huaqiangbei Neighborhood, Futian District, Shenzhen, Guangdong, 518039, China; *and* Office No.3, 10/F, Witty Commercial Building, 1A–1L Tung Choi Street, Mong Kok, Kowloon, Hong Kong; *and* Rm 1808, Dynamic World Building, Zhonghang Rd., Shenzhen, Guangdong, 518031, China; *and* Room 2208, LeiZhen Building, 40 Fuming Rd., Futian District, Shenzhen, Guangdong, 518031, China.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	Cloudmax Tech Co., Limited, a.k.a., the following one alias: —YSX Tech Co., Limited. Room 1316–1318, Metropolitan Heights at Century Place, Du Hui Xuan Building, Zhong Hang Road, Futian District, Shenzhen, Guangdong, 518031, China; *and* Room A, 15/F, Goldfield Industrial Building, 144–150 Tai Lin Pai Road, Kwai Chung, Hong Kong; *and* 2/F, Block 6, No.2 Robot Industrial Park, 8th Road, Yangchung Industrial Zone, Shapu Community, Songgang Subdistrict, Bao'an District, Shenzhen, Guangdong, 518105, China; *and* Wonderful Life Building, No. 4 Donghai Rd, Yantian District, Shenzhen, Guangdong, 518083, China; *and* Ko Fai Industrial Building, No.7 Ko Fai Road, Yau Tong, Kowloon, Hong Kong; *and* 1/F, Block 1, Zhuguang Chuangxin Technology Park, Zhuguang Road, Xili Subdistrict, Nanshan District, Shenzhen, Guangdong, 518055, China; *and* Room 2404, Du Hui Xuan Building, Zhong Hang Road, Futian District, Shenzhen, Guangdong, 518031, China.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	* * * * * *			
	DGT Technology (HK) Co., Limited, a.k.a., the following two aliases: —DGT Technology HK Co., Limited; *and* —DGT Technology. Room 5303, SEG Plaza, Huaqiang North Road, Futian District, Shenzhen, Guangdong, 518027, China; *and* Room 5258, 52nd Floor, Huaqiang North Road, Futian District, Shenzhen, Guangdong, China; *and* Room 803, Chevalier House, 45–51 Chatham Road South, Tsim Sha Tsui, Kowloon, Hong Kong; *and* Room 836, 8/F, Beverley Commercial Centre, 87–105 Chatham Road South, Tsim Sha Tsui, Kowloon, Hong Kong.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	* * * * * *			

Country	Entity	License requirement	License review policy	**Federal Register** citation
	Eastech Electronics Limited, a.k.a., the following seven aliases: —Eastech Electronics Ltd.; —Eastech Electronics; —Shenzhen East Technology Limited; —Shenzhen Yitai Technology Co., Ltd.; —Yitai Technology; —Yitai International Electronics Co., Ltd.; *and* —EASTECH. Room 17F, Block A Huaqiang Square, No.1019 Huaqiang North Road, Futian District, Shenzhen, Guangdong, China; *and* Room 12F, Block A, Duhui 100 Building, Zhonghang Road, Futian District, Shenzhen, Guangdong, China; *and* Room 2703, Tower West, Hangyuan Building, No.175 Zhenhua Road, Futian District, Shenzhen, Guangdong, China; *and* Room B5, 1/F, Manning Industrial Building, 116–118 How Ming St., Kwun Tong, Hong Kong; *and* Room 32, 11/F, Lee Ka Industrial Building, 8 Ng Fong Street, San Po Kong, Kowloon, Hong Kong; *and* Workshop 60, 3/F, Block A, East Sun Industrial Centre, 16 Shing Yip Street, Kwun Tong, Kowloon, Hong Kong.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	* * * * * *			
	Furuida Heilongjiang Supply Chain Management Co., Ltd., Room 803–773, Floor 8, Building 10, Harbin Songbei Technology Chuangxin Industrial Zone, 3043 Zhigu 2nd Street, Songbei District, Harbin, Heilongjiang, 15000, China.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	* * * * * *			
	Grun Group Co., Limited, Room 04, 16th Floor, Ho King Commercial Centre, 2–16 Fa Yuen St, Mong Kok, Hong Kong.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	* * * * * *			
	Hong Kong Haiheng Electronics Co. Ltd., a.k.a., the following two aliases: —Heiheng Electronics; *and* —HK Haiheng Electronics. Room 04, 16/F, Ho King Commercial Centre, 2–16 Fa Yuen Street, Mong Kok, Kowloon, Hong Kong; *and* 11C05, 11/F, Maoye Department Store Building, Wenxin 2nd Road, Haizhu Community, Yuehai Street, Nanshan District, Shenzhen, 518000, China.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	Hong Kong Qisu Electronic Technology Co. Ltd., Room 12G, Block A, Guangbo Modern Window Building, 1058 Huaqiang North Road, Futian District, Shenzhen, Guangdong, 518028, China; *and* Room 705, 7th Floor, Aa Yuen Commercial Building, 75–77 Fa Yuen St., Mong Kok, Hong Kong; *and* Room 2321, Block A, Guangbo Modern Window Building, 1058 Huaqiang North Road, Futian District, Shenzhen, Guangdong, 518028, China.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	Hong Kong Yayang Trading Ltd., a.k.a., the following three aliases: —Hong Kong Yayang Trading Limited; —Hongkong Yayang Trading; *and* —Yayang. Room 04, 16/F, Ho King Commercial Centre, 2–16 Fa Yuen St., Mong Kok, Kowloon, Hong Kong.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	Hongkong Inkson Technology Limited, a.k.a., the following two aliases: —Inkson Limited; *and* —Inkson Ltd. Rm 2309, 23/F, Ho King Commercial Centre, 2–16 Fa Yuen St., Mong Kok, Kowloon, Hong Kong; *and* Room 2914C, 29/F Ho King Commercial Centre, 2–16 Fa Yuen St., Mong Kok, Kowloon, Hong Kong; *and* Room 1219, Dingcheng Building, Zhonghang Road, Huaqiangbei Subdistrict, Futian District, Shenzhen, Guangdong, 518028, China.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	* * * * * *			

Country	Entity	License requirement	License review policy	Federal Register citation
	Hytera Communications Limited, a.k.a., the following one alias: —Hytera Communications Ltd. Room 8, 11/F, Wang Fai Industrial Building, 29 Luk Hop Street, San Po Kong, Kowloon, Hong Kong; *and* Room 13, 9/F, Thriving Industrial Building, No.26–38 Sha Tsui Road, Tseun Wan, New Territories, Hong Kong; *and* Room 32, 11/F, Lee Ka Industrial Building, 8 Ng Fong Street, San Po Kong, Kowloon, Hong Kong.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	* *	* *	*	*
	ICsole Technology Limited, a.k.a., the following one alias: —ICSOLE. 10th Floor, Metropolitan Heights at Century Place, Du Hui Xuan Building, 3018 Shennan Middle Rd, Futian District, Shenzhen, Guangdong, 518039, China; *and* 8th Floor, Chevalier House, 45–51 Chatham Road South, Tsim Sha Tsui, Kowloon, Hong Kong; *and* Room 20, 7/F, Unit B3, Tuen Mun Industrial Centre, No.2 San Ping Circuit, Tuen Mun, Hong Kong.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	* *	* *	*	*
	Incomp Limited, Caifugang Building Block D Room1001b, Baoyuan Road, Xixiang District, Shenzhen, Guangdong, China; *and* One Capital P, Unit D, 16/F, Wan Chai, Hong Kong.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	* *	* *	*	*
	Kvantek Limited, a.k.a., the following three aliases: —Kvantek Ltd.; —Kvantek; *and* —Kvantek (HK) Limited. Unit 704, 7th Floor,135 Bonham Strand Trade Center, Sheung Wan, Hong Kong.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Lett Tronic Group Limited, a.k.a., the following two aliases: —LETT TRONIC; *and* —Lett Tronic Group Ltd. Room 603, 6/F, Hang Pont Commercial Building, 31 Tonkin Street, Cheung Sha Wan, Kowloon, Hong Kong; *and* Room 101, 3/F, Investment Bank Building, 1st Fuhua Street, Futian District, Shenzhen, Guangdong, China; *and* Room 3A02, 4/F, Investment Bank Building, 1st Fuhua Street, Futian District, Shenzhen, Guangdong, China; *and* Room 2405A, Investment Bank Building, 1st Fuhua Street, Futian District, Shenzhen, Guangdong, China; *and* Room 2401 Dynamic World Building, Zhonghang Road, Futian District, Shenzhen, Guangdong, China; *and* Unit 03, 6/F, Hang Pong Commercial Building, Cheung Sha Wan, Kowloon, Hong Kong; *and* Workshop 60, 3/F, Block A, East Sun Industrial Centre, 16 Shing Yip Street, Kwun Tong, Kowloon, Hong Kong; *and* Unit A1, 2/F, Wing Cheung Industrial Building, 58 Kwai Cheong Road, Kwai Chung, Hong Kong; *and* Room 2410, DingCheng Building, Shenzhen, Guangdong, China; *and* Unit 02, 21/F, Hip Kwan Commercial Building, 38 Pik Street, Yau Ma Tei, Kowloon, Hong Kong.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	LL Electronic Limited, 15th Floor, Hillier Comm. Building, 65–67 Bonham Strand East, Sheung Wan, Hong Kong.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	MAK Logistics, Unit B2, 3/F, 18–24 Kwai Cheong Road., Mai Shun Industrial Building, Kwai Chung, New Territories, Hong Kong.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	Megatek Ltd., Unit B2, 3/F, 18–24 Kwai Cheong Road., Mai Shun Industrial Building, Kwai Chung, New Territories, Hong Kong.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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Country	Entity	License requirement	License review policy	**Federal Register** citation
	Mei Xin Electronic (HK) Co., Limited, a.k.a., the following three aliases: —Mei Xin Electronic HK Co., Limited; —Meixin Electronics; *and* —MEIXIN ELECT. Room 1005(B), 10/F, Ho Kong Commercial Center, 2–16 Fa Yuen St., Mong Kok, Hong Kong; *and* Room 10B, Block A, Guangbo Modern Window Building, Zhenhua Road, Futian District, Shenzhen, Guangdong, 518028, China.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Midas Lighting Limited, Room 603, 6/F, 9 Walnut Street, Tai Kok Tsui, Kowloon, Hong Kong; *and* Room 09, 27/F, Ho King Commercial Centre, 2–16 Fa Yuen St., Mong Kok, Hong Kong; *and* Unit 4, Bright Way Tower, No.33 Mong Kok Rd., Mong Kok, Kowloon, Hong Kong; *and* Room A1, 11/F, Winner Building, 36 Man Yue Street, Hung Hom, Kowloon, Hong Kong; *and* Unit 1402A, 14/F, The Belgian Bank Building, 721–725 Nathan Road, Mong Kok, Kowloon, Hong Kong.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	Minhoo Logistics Limited, Workshop 60, 3rd floor, Block A, East Sun Industrial Centre, 16 Shing Yip Street, Kowloon, Hong Kong.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	O-Nice Trading Co. Limited, a.k.a., the following three aliases: —O-Nice; —Shenzhen Penghuaxin Technology Co., Ltd.; *and* —SZPHX Tech. Room A838, Huameiju CBD Building, Xinhu Road, Bao'an District, Shenzhen, Guangdong, 518000, China; *and* Room 14, 29/F, Ho King Commercial Centre, 2–16 Fa Yuen St., Mong Kok, Kowloon, Hong Kong.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Piraclinos Limited, 7/F MW Tower, 111 Bonham Strand, Sheung Wan, Hong Kong.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	RYX Electronic (HK) Limited, a.k.a., the following one alias: —RYX Electronic Limited. Shenfang Building, Futian District, Shenzhen, Guangdong, 518028, China; *and* 3rd Floor, Wing Tat Commercial Building, 121–125 Wing Lok Street, Sheung Wan, Hong Kong.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Shenzhen Bailiansheng Electronic Science and Technology Co., Ltd, a.k.a., the following one alias: —Shenzhen Bailiansheng Electronic Technology Co., Ltd. Room 807, Building 125, Baishilong Area 1, Baishilong Community, Minzhi Subdistrict, Longhua District, Shenzhen, Guangdong, 518131, China.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	Shenzhen BZ Space Technology Co., Ltd., a.k.a. the following two aliases: —BZ Space Technology Co., Ltd.; *and* —BZ Space. 15AB, DuHui Electronic City Building, Huaqiang Rd., Futian, Shenzhen, Guangdong, China; *and* No.6 Wai Kwan Road, Yeung Uk Tseun Village, Yuen Long, New Territories, Hong Kong.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Shenzhen Dongpengshang Electronics Co., Ltd., a.k.a., the following one alias: —DPSA Electronics Co., Ltd. Room 5A, 5th Floor, Business Center Building, Shangbu Industrial Zone, Zhenxin Road, Futian District, Shenzhen, Guangdong, 518028, China; *and* 4/F, Building 14, Baotian Industrial Zone, Xixiang Residential District, Bao'an District, Shenzhen, Guangdong, 518102, China.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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Country	Entity	License requirement	License review policy	Federal Register citation
	Shenzhen SCH Technology Co., Ltd. a.k.a., the following four aliases: —Shenzhen ShenChuangHui Technology Company; —Shenzhen ShenChuangHui Technology Co. Ltd.; —SCH Electronics Group (Hong Kong) Co., Ltd.; *and* —SCH. Room 602, 6th Floor, Unit 1, Building 2, Huali Courtyard, 118 Zhenhua Road, Futian, Shenzhen, Guangdong, 518031, China; *and* Room 588, Building 201, Shangbu Industrial Zone, Huaqiang North Rd, Futian, Shenzhen, Guangdong, 518028, China; *and* Room 603, King Han Industrial Building, 8 Wang Guan Road, Kowloon Bay, Hong Kong; *and* Room 506, 5th Floor, Leader Commercial Building, 54–56 Hillwood Road, Tsimshatsui, Kowloon, Hong Kong.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Siliborn Technology Limited, a.k.a., the following three aliases: —Siliborn Technology Ltd; —Siliborn Technology Ltd Trading; *and* —Siliborn. Flat 2, 8th Floor, Workingport Commercial Building, 3 Hau Fook St, Tsim Sha Tsui, Kowloon, Hong Kong.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Superchip Limited, a.k.a., the following two aliases: —Superchip Ltd; *and* —Superchip (HK) Limited. Unit 704, 7th Floor, 135 Bonham Strand Trade Center, Sheung Wan, Hong Kong.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Tehran Pishro Trading Co., 16th Floor, Block B, Building 100, Duhui, Huaqiangbe District, Futian District, Shenzhen, Guangdong Province, China. (See alternate addresses under Iran and the United Arab Emirates.)	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Tengxuxing Electronic Technology HK Limited, a.k.a., the following four aliases: —Tengxuxing Technology Solutions; —IC Tengxuxing; —Turshehing Electronic Technology (HK) Limited; *and* —Turshehing. Unit 1702A, 17th Floor, Sunbeam Plaza, No. 1155 Canton Rd., Mong Kok, Kowloon, Hong Kong; *and* Office 3333, Saige Electronics Market (SEG) Plaza, 82 Shennan Middle Road, Futian District, Shenzhen, Guangdong, China.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Wellgo International Industrial Limited, a.k.a., the following one alias: —Wellgo International Industrial Ltd. Unit B2, 3/F, 18–24 Kwai Cheong Road., Mai Shun Industrial Building, Kwai Chung, New Territories, Hong Kong.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Yield Bright Industrial Limited, a.k.a., the following two aliases: —Yuhui Industrial Co; *and* —Yuhui Industrial Co., Ltd. Unit B2, 3/F, 18–24 Kwai Cheong Road., Mai Shun Industrial Building, Kwai Chung, New Territories, Hong Kong.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Yusha Group Co. Ltd., No.29, Industrial Park Road, Chengdong Industrial Park, Jianli County, Hubei, 433301, China; *and* Wuling Village, Rongcheng Town, Jianli County, Jingzhou, Hubei, 433300, China; *and* Zhongxin Road, Jianli County, Jingzhou, Hubei, 433300, China.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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CRIMEA REGION OF UKRAINE	* *	* *	*	*

Country	Entity	License requirement	License review policy	**Federal Register** citation
	Joint Stock Company Special Research Bureau of Moscow Power Engineering Institute, a.k.a., the following six aliases: —JSC Special Research Bureau of Moscow Power Engineering Institute; —Aktsionernoe Obshchestvo Osoboe Konstruktorskoe Byuro Moskovskogo Energeticheskogo Instituta; —AO Osoboe Konstruktorskoe Byuro Moskovskogo Energeticheskogo Instituta; —Osoboe Konstruktorskoe Byuro Moskovskogo Energeticheskogo Instituta, OAO; —AO OKB MEI; *and* —JSC OKB MEI. 15 Stepnaya Street, Vitino, Sakski Region, Crimea, 296580, Ukraine; *and* 3 Kotsyubinskogo Region, Solnechnogorskoe Village, Alushta, Crimea, 298532, Ukraine. (See alternate addresses under Russia.)	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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CYPRUS	* *	* *	*	*
	Merlion Trade Worldwide Ltd., a.k.a., the following two aliases: —Merlion Trade Worldwide Limited; *and* —Merlion Trade Worldwide. Office 2, 1st Floor, Uad Court, 135 Omonoias Street, Limassol, 3045, Cyprus; *and* Christabel House, 118 Agias Fylaxeos, Limassol, 3087, Cyprus; *and* 10 Pikioni Street, Limassol, 3075, Cyprus.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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IRAN	* *	* *	*	*
	Arvin Fan Avar Vira Company; a.k.a., the following one alias: —Arvin Fanavar Vira Company. Unit 16, No 3, Corner of 6th Alley, Ebne Yamin St., North Sohrevardi, Tehran, Iran; *and* No.3, End of Shaghayegh 15, End of Golha Square, Nalkiasher Industrial Zone, Langroud, Iran; *and* No 16, St. Ibn Yamin, 3rd Floor, Eighth Alley, Shahid Qandi-Niloufar Quarter, Central Sector, Tehran City, Tehran Province, Iran; *and* No.0 Shagaig St., Ground Floor, Moalem Square, Shahrek neighborhood, Nalkiyasher Industrial Settlement, Dioshel District, Central Sector, Langrod City, Gilan Province, Iran.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	BuyBest Electronic, a.k.a., the following three aliases: —Buy Best Electronic Pars; —Buybest Elektronik İthalat İhracat Limited Şirketi; *and* —Andriman Group İnşaat İthalat İhracat Sanayi Ve Ticaret Limited Şirketi. Unit 7, No.20, Marvdasht St., Sadeghieh 2nd Sq., Tehran, Iran; *and* Unit 20, No.7, Marvdasht Alley, Ashrafi Esfahani St., Sadeghieh Second Sq., Tehran, Iran; *and* Tawakkel Passage, 1st Floor, Unit 110, before reaching Hafez Bridge, Jomohri St., Tehran, Iran. (See alternate addresses under China and Turkey.)	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Digi Ghate, No.22, Ground Floor, Tavakkol Passage, Hafez Bridge, Tehran, Iran; *and* Azadi Innovation Factory, Lashkari Highway, Azadi Square, Tehran, Iran; *and* No.15, End of Shaghayegh 3, Golha Square Entrance, Nalkiasher Industrial Town, Langroud, Iran.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Fidar System Pooyan, a.k.a., the following one alias: —Fidar System Pouyan. Unit 6, No.7, Mahbod Alley, Laleh St., Jomohri St., Tehran, Iran; *and* No.12, 21th Alley, Ahmad Ghasir St., Argentina Sq, Tehran, Iran; *and* No.9 Lale Alley, First Floor, Unit 2, Hatef Alley, Chaharrah Hafez Neighborhood, Central Sector, Tehran City, Tehran Province, Iran.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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Country	Entity	License requirement	License review policy	Federal Register citation
	General Electronic, a.k.a., the following three aliases: —Digital Electronics Engineering Group; —Delta Electronic; *and* —Keyhan Electronic. Unit 620, 6th floor, Abbasian Building, after Hafez Bridge, Jomhuri Eslami St., Tehran, Iran; *and* No.B33, Tavakkol Passage before Hafez St., Jomhouri St., Tehran, Iran.; *and* Unit 22, Second floor, Amjad Passage, between Hafez and Si Tir, Jomhouri St., Tehran, Iran.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	IC Kala, a.k.a., the following one alias: —Ickala. First Floor, No.9, Laleh St., Jomohri St., Tehran, Iran.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Iran Compo Co., a.k.a., the following one alias: —Irancompo. No.38, East Hoveizeh St., North Sohrevardi St., Tehran, Iran.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Javan Electronic Company, No.17, Ground Floor, Abbasian Passage, Jomohri St., Tehran, Iran.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	SkyTech Electronic, a.k.a., the following one alias: —Sepehr Tejarat Trading Group. Unit 2, Floor 1, No.13, Yoghma Alley, Jomohri Junction, Tehran, Iran; *and* MCV5QGP District 11, Tehran Province, Iran.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Tehran Pishro Trading Co., 227th Floor, No.4, Next to Jahangardi Club, Azadi St., Tehran, Iran. (See alternate addresses under China and the United Arab Emirates.)	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Zagros Electronic, a.k.a., the following one alias: —Tesla Hooshmand Sazan Company. No.15, Ground Floor, Abbasian Passage, After Hafez Bridge, Jomhouri St., Tehran, Iran.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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KAZAKHSTAN	* *	* *	*	*
	All Global Trading Elektronik Dis Ticaret Ltd Sti, Auezova 14a, BC ''Fertility'' 15th floor, Almaty City, Almaly Region, 050026, Kazakhstan. (For alternate addresses, see Kyrgyzstan and Turkey.)	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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KYRGYZSTAN	All Global Trading Elektronik Dis Ticaret Ltd Sti, 140/57 Chui Street, Bishkek City, Kyrgyzstan. (For alternate addresses, see Kazakhstan and Turkey.)	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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RUSSIA	* *	* *	*	*
	Aktsionernoe Obshchestvo Radiotekhkomplekt, a.k.a., the following two aliases: —AO RTKT; *and* —Joint Stock Company Radiotechkomplekt. 35 Ul Tatarskaya B., Building 7–9, Floor 4 Pom I Kom 1, Moscow 115184, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Complex Unmanned Solutions Center LTD, a.k.a., the following two aliases: —USC LTD; *and* —Unmanned Solutions Center. 24/1A Luch Street, Floor 2, Room 112, Zhukovsky, Moscow Region, 140184, Russia; *and* Spasateley Street, 7, Zhukovsky, 140184, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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Country	Entity	License requirement	License review policy	**Federal Register** citation
	Federal Government Budget Institution State Institute for Experimental Military Medicine, a.k.a. the following seven aliases: —Federalnoe Gosudarstvennoe Byudzhetnoe Uchrezhdenie Gosudarstvenny Nauchno—Issledovatelski Ispytatelny Institut Voennoi Meditsiny Ministerstva Oborony Rossiskoi Federatsii; —Gosudarstvenny Nauchno-Issledovatelski Ispytatelny Institut Voennoi Meditsiny; —State Scientific Research and Testing Institute of Military Medicine; —FGBU GNIII VM MO RF; —GNII VM; —State Institute for Experimental Military Medicine; *and* —State Research Experimental Institute of Military Medicine. 4 Lesoparkovaya Street, Saint Petersburg, 195043, Russia; *and* 15 Teatralnaya Alley, Strelna Settlement, Saint Petersburg, 198515, Russia; *and* 100 Borisenko Street, Vladivostok, Primorsky Region, 650080, Russia; *and* 100 Borisenko Street, Building D, Vladivostok, Primorsky Region, 650080, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Federal State Enterprise Aleksinsky Chemical Plant, a.k.a., the following seven aliases: —Federalnoe Kazennoe Predpriyatie Aleksinski Khimicheski Kombinat; —Aleksinskii Khimicheskii Kombinat; —Aleksinsky Chemical Plant; —Aleksinsky Chemical Combine; —Aleksinsky Chemical; —FKP AKHK; *and* —AKHK. 21 Pobedy Square, Aleksin, Tula Region, 301361, Russia; *and* 23 Truda Avenue, Kotovsk, Tambov Region, 393192, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	Federal State Enterprise Kamenksy Combine, a.k.a. the following five aliases: —Federalnoe Kazennoe Predpriyatie Kombinat Kamenski; —FKP Kombinat Kamenski; —Kombinat Kamenskii; —Federal State Enterprise Kamensky Plant; *and* —Kamensky Plant. 8 Saprygina Street, Kamensk-Shakhtinski, Rostov Region, 347801, Russia; *and* 1 Park Kultury Street, Kamensk-Shakhtinski, Rostov Region, 347810, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Federal State Enterprise Perm Powder Plant, a.k.a., the following four aliases: —Federalnoe Kazennoe Predpriyatie Permski Porokhovoi Zavod; —Permski Porokhovoi Zavod; —Perm Powder Plant; *and* —Perm Gunpowder Mill. 11 Galperina Street, Perm, Perm Region, 614101, Russia; *and* 6 Avtozavodskaya Street, Perm, Perm Region, 614101, Russia; *and* 1 Lsvinskaya Street, Perm, Perm Region, 614113, Russia; *and* 6 Marshala Rybalko Street, Office 19, Perm, Perm Region, 614101, Russia; *and* 3 Oruzheiny Lane, Building 1, Moscow; *and* sad Elniki, Sylva Settlement, Perm Region, 614503, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Izumrud AO, a.k.a., the following two aliases: —Izumrud JSC; *and* —Izumrud OAO. 65 St. Russkaya, Vladivostok, Primorsky Region, 690105, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].

Country	Entity	License requirement	License review policy	Federal Register citation
	Joint Stock Company 75 Arsenal, a.k.a., the following six aliases: —Open Joint Stock Company 75 Arsenal; —OJSC 75 Arsenal; —JSC 75 Arsenal; —Aktsionernoe Obshchestvo 75 Arsenal; —AO 75 Arsenal; *and* —OAO 75 Arsenal. Moskovskoe Highway, Serpukhov, Moscow Region, 142204, Russia; *and* 5 Potapovski Lane, Building 4, Moscow, 101000, Russia; *and* 20 Tverskaya Yamskaya 4-Ya, Building 1, Room 507, Moscow, 125047, Russia; *and* 2A Karl Marx Street, Room 207, Rzhev, Tver Region, 172389, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Joint Stock Company 419 Aircraft Repair Plant, a.k.a., the following five aliases: —JSC 419 Aircraft Repair Plant; —Aktsionernoe Obshchestvo 419 Aviatsionny Remontny Zavod; —JSC 419 ARZ; —JSC 419 ARP; *and* —AO 419 ARZ. 16 Politruka Pasechnika Street, Building 2, Toriki Territory, Saint Petersburg, 198326, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Joint Stock Company Astrophysika National Centre of Laser Systems and Complexes, a.k.a., the following seven aliases: —Aktsionernoe Obshchestvo Natsionalniy Tsentr Lazernykh Sistem I Kompleksov Astrofizika; —AO Natsionalniy Tsentr Lazernykh Sistem I Kompleksov Astrofizika; —OAO Natsionalniy Tsentr Lazernykh Sistem I Kompleksov Astrofizika; —AO NTSLSK Astrofizika; —GP NPO Astrofizika; —Astrofizika; *and* —Astrophysica. 27 Aleksandra Solzhenitsyna Street, Room I, Inner City Municipal District Nagorny, Moscow, 109004, Russia; *and* 7 Nagorny Passage, Building 1, Inner City Municipal District Nagorny, Moscow, 117105, Russia; *and* 112 Volokolamskoe Highway, Moscow, 123424, Russia; *and* Poreche Building, Ruza, Moscow Region, Russia; *and* 95 Volokolamskoe Highway, Building 3, Moscow, 107392, Russia; *and* 95 Volokolamskoe Highway, Building 4, Moscow, 107392, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Joint Stock Company Aviation Reducers and Transmissions—Perm Motors, a.k.a., the following four aliases: —JSC Aviation Reducers and Transmissions—Perm Motor; —Aktsionernoe Obshchestvo Aviatsionnye Reduktora I Transmissii—Permskie Motory; —Joint Stock Company Reductor-PM; *and* —JSC Reductor-PM. 105G Geroyev Khasan Street, Perm, Perm Region, 614025, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Joint Stock Company Central Design Bureau of Apparatus Engineering, a.k.a., the following nine aliases: —Aktsionernoe Obshchestvo Tsentralnoe Konstruktorskoe Byuro Apparatostroeniya; —AO Tsentralnoe Konstruktorskoe Byuro Apparatostroeniya; —JSC Central Design Bureau of Apparatus Engineering; —Central Design Bureau of Apparatus Engineering; —Joint Stock Company Apparatus Development; —AO TSKBA; —JSC TSKBA; —JSC CDBAE; *and* —TSKBA. 36 Demonstratsii Street, Tula, Tula Region, 300034, Russia; *and* 41 Pionerski Avenue, Building 4, Office 39, Anapa, Krasnodarsk Region, 353456, Russia; *and* 14A Akademika Pavlova Street, Letter A, Office 2, Saint Petersburg, 197022, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].

Country	Entity	License requirement	License review policy	**Federal Register** citation
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	Joint Stock Company Class, a.k.a., the following six aliases: —JSC Class; —Aktsionernoe Obshchestvo Nauchno-Proizvodstvennoe Predpriyatie Klass; —JSC Research and Production Enterprise Class; —AO NPP Klass; —JSC NPP Class; *and* —NPP Klass. 3 Solvetskaya Street, Floor 2, Room 2, Lukhovitsky, Moscow Region, 140501, Russia; *and* 56 Entuziastov Highway, Building 21, Moscow, 111123, Russia; *and* Patriarkha Pimena Street, Building 75, Sofrino Working Village, Pushkino, Moscow Region, 141200, Russia; *and* 50 Sovetskaya Street, Building 2, Lukhovitsky, Moscow Region, 140500, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Joint Stock Company Design Bureau of Navigation Systems, a.k.a., the following four aliases: —Design Bureau of Navigation Systems JSC; —Aktsionernoe Obshchestvo Konstruktorskoe Byuro Navigatsionnykh Sistem; —AO Konstruktorskoe Byuro Navigatsionnykh Sistem; *and* —AO KB Navis. 3 Kulneva Street, Building 1, Room III/5,6, Moscow, 121170, Russia; *and* 9 Mendeleevskaya Street, Letter V, Saint Petersburg, 194044, Russia; *and* Building 25, Mendeleevo Working Town, Solnechnogorsk, Moscow Region, 141570, Russia. (See alternate address under Ukraine.)	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Joint Stock Company Dubnenskiy Machine-Building Plant named after N. P. Fedorova, a.k.a., the following five aliases: —Joint Stock Company Dubna Machine—Building Plant by N.P. Fedorov; —Aktsionernoe Obshchestvo Dubnenski Mashinostroitelny Zavod imeni N.P. Fedorova; —DMZ im. N. P. Fedorova; —DMZ—Kamov; *and* —DMZ. 2 Zhukovsky Street, Building 1, Dubna, Moscow Region, 141983, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Joint Stock Company Eirburg, a.k.a., the following six aliases: —JSC Eirburg; —JSC Airburg; —Aktsionernoe Obschchestvo Eirburg; —AO Eirburg; —OKB UZGA, OOO; *and* —Limited Liability Company OKB UZGA. 8 Marta Street, Building 49, Floor 3, Yekaterinburg, Sverdlov Region, 620063, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	Joint Stock Company Electroavtomatika, a.k.a., the following four aliases: —JSC Electroavtomatika; —Aktsionernoe Obshchestvo Elektroavtomatika; —AO Elektroavtomatika; *and* —OAO Elektroavtomatika. 9 Zavodskaya Street, Stavropol, Stavropol Region, 355008, Russia; *and* Novotroitskaya Village, Building B, Izobilnenski Region, 356100, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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Country	Entity	License requirement	License review policy	Federal Register citation
	Joint Stock Company Gazprom Space Systems, a.k.a., the following four aliases: —Aktsionernoe Obshchestvo Gazprom Kosmicheskie Sistemy; —Gazprom Kosmicheskie Sistemy; —Gazprom Kosmicheskie Sistemy, OAO; *and* —GSS. 77B Moskovskaya Street, Shchelkovo, Moscow Region, 141108, Russia; *and* 2A Yuzhnaya Street, Novy Urengoi, Yamalo-Nenetski Autonomous Region, 629300, Russia; *and* 8 Sergeya Eizenshteina Street, Building 1, Moscow, 101000, Russia; *and* 31 Pervomaiskaya Street, Shchelkovo, Moscow Region, 141010, Russia; *and* 15A Tsentralnaya Street, Skvortsovo, Khabarovsk Region, 680539, Russia; *and* 18B Sakko I Vantsetti Street, Korolev, Moscow Region, 141070, Russia; *and* 35 Azimutovskaya Street, Ordynskoe Working Town, Ordynski Region, 633261, Russia; *and* Ponomarevka Building, Pereslav, Yaroslav Region, 152044, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Joint Stock Company Helicopter Service Company, a.k.a., the following six aliases: —JSC Helicopter Service Company; —Aktsionernoe Obshchestvo Vertoletnaya Servisnaya Kompaniya; —AO Vertoletnaya Servisnaya Kompaniya; —AO VSK; —VSK; *and* —HSC. 40/2 Prechistenka Street, Building 3, Moscow, 119034, Russia; *and* Building 1, Khimki, Moscow Region, 141407, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Joint Stock Company Institute of Applied Physics, a.k.a., the following four aliases: —Aktsionernoe Obshchestvo Institut Prikladnoi Fiziki; —AO Institut Prikladnoi Fiziki; —Institute Of Applied Physics IAP; *and* —AO IPF. 11 Arbuzova Street, Novosibirsk, Novosibirsk Region, 630117, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Joint Stock Company Jupiter Plant, a.k.a., the following five aliases: —JSC Zavod Yupiter; —JSC Jupiter Plant; —Zakrytoe Aktsionernoe Obshchestvo Zavod Yupiter; —Closed Joint Stock Company Jupiter Plant; *and* —ZAO Zavod Yupiter. 107 Pobedy Street, Building 1, Valdai, Valdai Region, 175400, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Joint Stock Company Kumertau Aviation Production Enterprise, a.k.a., the following four aliases: —JSC Kumertau Aviation Production Enterprise; —Aktsionernoe Obshchestvo Kumertauskoe Aviatsionnoe Proizvodstvennoe Predpriyatie; —JSC Kumapp; *and* —AO Kumapp. 15A Novozarinskaya Street, Kumertau, Republic of Bashkortostan, 453300, Russia; *and* Nugush Village, Meleuzovski Region, Republic of Bashkortostan, 453871, Russia; *and* 7 Bolshaya Pochtovaya, Building 7, Moscow, 105082, Russia; *and* Ira Village, Kumertau, Republic of Bashkortostan, 453300, Russia; *and* 1 Salavata Street, Kumertau, Republic of Bashkortostan, 453350, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Joint Stock Company M.V. Frunze Arsenal Design Bureau, a.k.a., the following four aliases: —JSC M.V. Frunze Arsenal Design Bureau; —Aktsionernoe Obshchestvo Konstruktorskoe Byuro Arsenal Imeni M.V. Frunze; —AO KB Arsenal; *and* —JSC KB Arsenal. 1–3 Komsomola Street, Letter M, Room 19–N, Saint Petersburg, 195009, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].

Country	Entity	License requirement	License review policy	**Federal Register** citation
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	Joint Stock Company National Helicopter Construction Center named after M.L. Mil and N.I. Kamov, a.k.a., the following six aliases: —JSC National Helicopter Center Mil and Kamov; —JSC National Helicopter Center Mil&Kamov; —Aktsionernoe Obshchestvo Natsionalny Tsentr Vertoletostroeniya im. M.L. Milya I N.I. Kamova; —JSC NTsV Mil i Kamov; —AO NTsV Mil i Kamov; *and* —NTsV Mil i Kamov. 26/1 Garshina, Tomilino Street, Lyuberetsky Region, 140070, Russia; *and* 5 Novatorov Street, Rostov-na-Donu, Rostov Region, Russia; *and* Pionerskaya Street, Tomilino Working Village, Lyubertsy, Moscow Region, 140004, Russia; *and* 5 Lenin Square, Arsenev, Primorsky Region, 692342, Russia; *and* 2 Sokolnicheski Val Street, Moscow, 107113, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Joint Stock Company ODK-Klimov, a.k.a., the following four aliases: —JSC ODK—Klimov; —Aktsionernoe Obshchestvo ODK—Klimov; —AO ODK—Klimov; *and* —UEC—Klimov. 11 Kantemirovskaya Street, Building 1, Saint Petersburg, 194100, Russia; *and* 4A Lenin Place, Arsenev, Primorsky Region, 692335, Russia; *and* 1 Khorinskaya Street, Ulan-Ude, Republic of Buryatiya, 670009, Russia; *and* Razdole Building, Priozersk Region, Leningrad Region, 188733, Russia; *and* 11 Kantemirovskaya Street, Building 1, Saint Petersburg, 194100, Russia; *and* Military Unit 35666, Korenovsk, Korenovsk Region, 353180, Russia; *and* 14 Tetsevskaya Street, Kazan, Republic of Tatarstan, 420085, Russia; *and* 57 Zapovednaya Street, Saint Petersburg, 194356, Russia; *and* 283 Bogdana Khmelnitskogo Street, Omsk, Omsk Region, 644021, Russia; *and* 93 Komsomolski Avenue, Perm, Perm Region, 614010, Russia; *and* Military Unit 44936, Novaya Zhizn Village, Budennovski Region, 356821, Russia; *and* 2 Vodnikov Street, Moscow, 125362, Russia; *and* 6 Berzarina Street, Building 2, Moscow, 127204, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Joint Stock Company Polimer, a.k.a., the following five aliases: —Aktsionernoe Obshchestvo Polimer; —AO Polimer; —PAO Polimer; —Public Joint Stock Company Polimer; *and* —JSC Polimer. 4 Proizvodstvennaya Street, Chapeavsk, Samara Region, 446100, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Joint Stock Company Progress Arsenyev Aviation Company, a.k.a., the following four aliases: —JSC Progress Arsenyev Aviation Company; —JSC AAC Progress; —AO AAK Progress; *and* —AAC Progress. 5 Lenin Square, Arsenyev, Primorsky Region, 692342, Russia; *and* 7 Kievskaya Street, Building 2, Moscow, 121059, Russia; *and* Building 10, Ayaks Settlement, Russki Island, Vladivostok, Primorsky Region, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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Country	Entity	License requirement	License review policy	Federal Register citation
	Joint Stock Company Radioavionika, a.k.a., the following seven aliases: —JSC Radioavionika; —OAO Radioavionika; —Otkrytoe Atsionernoe Obshchestvo Radioavionika; —OJSC Radioavionika; —Open Joint Stock Company Radioavionika; —PAO Radioavionika; *and* —Radioavionica Corporation. 4 Troitski Avenue, Letter B, Saint Petersburg, 190005, Russia; *and* 20 Basmannaya Nov. Street, Moscow, 107066, Russia; *and* 14 Obvonogo Kanala Embankment, Saint Petersburg, 192019, Russia; *and* 116 Borovaya Street, Saint Petersburg, 192007, Russia; *and* 11 Kosmonatov Avenue, Letter Kh, Office 13, Yekaterinburg, Sverdlovskaya Region, 620017, Russia; *and* 22 Krasnoflotski Lane, Office 5, Rostov-na-Donu, Rostov Region, 344002, Russia; *and* 21 Dzerzhinskogo Street, Staraya Russa, Starorusski Region, 175202, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Joint Stock Company Research Production Association Kurganpribor, a.k.a., the following five aliases: —JSC Research Production Association Kurganpribor; —Aktsionernoe Obshchestvo Nauchnoproizvodstvennoe Obedinenie Kurganpribor; —AO NPO Kurganpribor; —JSC Kurganpribor; *and* —Kurganpribor. 41A Yastrzhembskogo Street, Kurgan, Kurgan Region, 640007, Russia; *and* 8 Presnenskaya Embankment, Moscow, 123317, Russia; *and* 60/1 Stantsionnaya Street, Novosibirsk, Novosibirsk Region, 630071, Russia; *and* 1 Dzerzhinskogo Street, Perm, Perm Region, 614068, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Joint Stock Company Scientific-Technical Center for Electronic Warfare, a.k.a., the following six aliases: —JSC Scientific-Technical Center for Electronic Warfare; —Aktsionernoe Obschestvo Nauchno-Tekhnicheski Tsentr Radioelektronnoi Borby; —AO Nauchno-Tekhnicheski Tsentr Radioelektronnoi Borby; —Scientific And Technical Center of Radioelectronic Warfare; —JSC NTTS REB; *and* —AO NTTS REB. 29 Vereiskaya Street, Building 135, Moscow, 121357, Russia; *and* 2 Bolshoi Smolenski Avenue, Letter A, Floor 5, Room 9N, Room 28, Saint Petersburg, Russia; *and* 31A Konstruktorov Street, Voronezh, Voronezh Region, 394038, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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Country	Entity	License requirement	License review policy	**Federal Register** citation
	Joint Stock Company Special Research Bureau of Moscow Power Engineering Institute, a.k.a., the following six aliases: —JSC Special Research Bureau of Moscow Power Engineering Institute; —Aktsionernoe Obshchestvo Osoboe Konstruktorskoe Byuro Moskovskogo Energeticheskogo Instituta; —AO Osoboe Konstruktorskoe Byuro Moskovskogo Energeticheskogo Instituta; —Osoboe Konstruktorskoe Byuro Moskovskogo Energeticheskogo Instituta, OAO; —AO OKB MEI; *and* —JSC OKB MEI. 14 Krasnokazarmennaya Street, Moscow, 111250, Russia; *and* 1 Komarova Street, Galenki, Oktyabrski Region, Primorsky Region, 692564, Russia; *and* Tolstoukhovo Building, Alferovskoe Village, Kalyazinski Region, 171550, Russia; *and* Dolgoe Ledovo Building, Shchelkovo, Moscow Region, 141143, Russia. (See alternate addresses under Crimea Region of Ukraine.)	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Joint Stock Company Strommashina Shield, a.k.a., the following four aliases: —Aktsionernoe Obshchestvo Strommashina Shchit; —JSC Strommashina Shield; —JSC Strommashina Shchit; *and* —AO Strommashina Shchit. 10A 22 Partsezda Street, Samara, Samara Region, 443022, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Joint Stock Company Verkhneturinsky Machine Building Plant, a.k.a., the following five aliases: —JSC Verkhneturinsky Machine Building Plant; —Joint Stock Company Verhneturinsky Mashinostroitelny Zavod; —JSC Verhneturinsky Mashinostroitelny Zavod; —Open Joint Stock Company Verhneturinsky Mashinostroitelny Zavod; *and* —AO VTMZ. 2 Mashinostroitelei Street, Verkhnyaya Tura, Sverdlov Region, 624320, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	Joint Stock Company VNIIR-Progress, a.k.a., the following five aliases: —JSC VNIIR—Progress; —AO VNIIR—Progress; —AT VNIIR—Progress; —OAO VNIIR—Progress; *and* —Open Joint Stock Company VNIIR-Progress. 4 I.Ya. Yakoleva Avenue, Cheboksary, Republic of Chuvashia, 428024, Russia; *and* 29 Serebryanicheskaya Embankment, Moscow, 109208, Russia; *and* 18 Bogatyrski Avenue, Building 1, Room A/310, Saint Petersburg, 197348, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Joint Stock Company Volsk Mechanical Plant, a.k.a., the following four aliases: —JSC Volsk Mechanical Plant; —OAO Volski Mekhanicheski Zavod; —JSC VMP; *and* —AO VMP. 10 Vidim Town, Volsk, Saratov Region, 412921, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Joint Stock Company Zavod Korpusov, a.k.a., the following four aliases: —Aktsionernoe Obshchestvo Zavod Korpusov; —PAO Zavod Korpusov; —OAO Zavod Korpusov; *and* —JSC Zavod Korpusov. 1 Zavodskaya Street, Vyksa, Nizhegorod Region, 607061, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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Country	Entity	License requirement	License review policy	Federal Register citation
	JSC SEZ PPT Alabuga, a.k.a., the following three aliases: —Osobaya Ekonomicheskaya Zona Alabuga; —Aktsionernoe Obshchestvo Osobaya Ekonomicheskaya Zona Promyshlenno-Proizvodstvennogo Tipa Alabuga; *and* —Joint Stock Company Special Economic Zone Production and Industrial Type Alabuga. OEZ Territory, 4/1 Highway-2, Yelabuga, Republic of Tatarstan, 423601, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Limited Liability Company Analytical Manufactory, a.k.a., the following five aliases: —LLC Analytical Manufactory; —Obshchestvo S Organichennio Otyetstvennostyu Analiticheskaya Maufaktura; —OOO Analiticheskaya Maufaktura —Analytical Manufaktory; *and* —Analytikal Manufactory. 9 Rublevshoe Highway, Floor 1, Room I, Room 10B, Moscow, 121108, Russia.	For all items subject to the EAR (See §§ 734.9(g), 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Limited Liability Company Eliars, a.k.a., the following three aliases: —Obshchestvo S Ogranichennoi Otvetstvennostyu Eliars; —OOO Eliars; *and* —Eliars LLC. 8 Konstruktora Guskova Street, Building 1, Zelenograd, Moscow, 124460, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	Limited Liability Company Eluent Laboratories, a.k.a., the following five aliases: —LLC Eluent Laboratories; —Obshchestvo S Organichennio Otyetstvennostyu Elyuentlaboratoriz; —OOO Elyuentlaboratoriz; —Elyuentlaboratoriz LTD; *and* —Elyuent Laboratories. 4 Ivana Franko Street, Building 2, Floor 2, Room N1, Room N27, Moscow, 121108, Russia.	For all items subject to the EAR (See §§ 734.9(g), 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Limited Liability Company Hotu Tent, a.k.a., the following four aliases: —Hotu Tent LLC; —Obshchestvo S Ogranichennoi Otvetstvennostyu Khotu Tent; —OOO Khotu Tent; *and* —Khotu Tent. 31/1 Kirova Street, Apartment 92, Yakutsk, Republic of Sakha (Yakutiya), 677027, Russia; *and* 1 Truda Street, Yakutsk, 677000, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	Limited Liability Company K.ARMA, a.k.a., the following three aliases: —LLC K.ARMA; —Obshchestvo S Ogranichennoi Otvetstvennostyu K.ARMA; *and* —OOO K.ARMA. 40 Mechnikova Street, Apartment 27, Kolomna, Moscow Region, 140412, Russia; *and* 354A Oktiabrskoy Revolutsii Street, Kolomna, 140408, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	Limited Liability Company Laggar Pro, a.k.a., the following three aliases: —Obshchestvo S Ogranichennoi Otvetstvennostyu Laggar Pro; —OOO Laggar Pro; and —Laggar Pro. 190B Ovrazhnaya Street, Room 19, Afonino Village, Kstovski District, Nizhegorod Region, 607680, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	Limited Liability Company Lipetsk Mechanical Plant, a.k.a., the following five aliases: —Obshchestvo S Ogranichennoi Otvetstvennostyu Lipetski Mekhanicheskii Zavod; —OOO Lipetskii Mekhanicheskii Zavod; —Lipetskii Mekhanicheskii Zavod; —Lipetsk Mechanical Plant; *and* —OOO LMZ. 1 Krasnozavodskaya, Office 201, Lipetsk, Lipetsk Region, 398006, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].

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	Limited Liability Company Medstandart, a.k.a., the following four aliases: —Medstandart, LLC; —Obshchestvo S Organichennio Otyetstvennostyu Medstandart; —Medstandart, OOO; *and* —Medstandart. 16 Varshayshoe Highway, Building 2, Floor 1, Room I, Room 3, Moscow, 117105, Russia.	For all items subject to the EAR (See §§ 734.9(g), 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	Limited Liability Company Moscow Arms Company, a.k.a., the following five aliases: —Obshchestvo S Ogranichennoi Otvetstvennostyu Moskovskaya Oruzheinaya Kompaniya; —OOO Moskovskaya Oruzheinaya Kompaniya; —Moskovskaya Oruzheinaya Kompaniya; —Moscow Arms Company LLC; *and* —Bespoke Gun. 1 Novoslobodskaya Street, Possession 1, Mytishchi, Moscow Region, 141009, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	Limited Liability Company NPK Aerokon, a.k.a. the following three aliases: —Obshchestvo S Ogranichennoi Otvetstvennostyu NPK Aerokon; —OOO NPK Aerokon; *and* —Aerokon. 18 Tsentralnaya Street, Office 1, Chernyshevka Village, Chernyshevskoe Settlement, Vysokogorski Micro Region, Republic of Tatarstan, 422710, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	Limited Liability Company Plaz, a.k.a., the following three aliases: —Obshchestvo S Ogranichennoi Otvetstvennostyu Plaz; —OOO Plaz; *and* —Plaz. 22 Politekhnicheskaya Street, Letter V, Room 1–N, Saint Petersburg, 194021, Russia; *and* 8A Elektrodny Passage, Office 22, Moscow, 11123, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Limited Liability Company Research and Production Company Makrooptika, a.k.a., the following five aliases: —Obshchestvo S Ogranichennoi Otvetstvennostyu Nauchno-Proizvodstvennaya Kompaniya Makrooptika; —OOO Nauchno—Proizvodstvennaya Kompaniya Makrooptika; —OOO NPK Makrooptika; —Matrooptika; *and* —Makrooptika Ltd. 5 Yablochkova Avenue, Building 47, Floor 2, Room 2.5, Ryazan, Ryazan Region, 390023, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Limited Liability Company Rusmedtorg, a.k.a., the following four aliases: —LLC Rusmedtorg; —Obshchestvo S Organichennio Otyetstvennostyu Rusmedtorg; —OOO Rusmedtorg; *and* —Rusmedtorg. 2/21 Lenskaya Street, Floor 5, Room III, Room 2, Moscow, 129327, Russia.	For all items subject to the EAR (See §§ 734.9(g), 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	Limited Liability Company Special Design and Technology Bureau Plastic, a.k.a., the following five aliases: —Obshchestvo S Ogranichennoi Otvetstvennostyu Spetsialnoe Konstruktorsko-Tekhnologicheskoe Byuro Plastik; —OOO Spetsialnoe Konstruktorsko-Tekhnologicheskoe Byuro Plastik; —SKTB Plastik; —OOO Plastik—Finans; *and* —Plastik. Building 4K, Saratovskoe Highway, Syzran, Samarskaya Region, 446008, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].

Country	Entity	License requirement	License review policy	Federal Register citation
	Limited Liability Company Zavod Spetsagregat, a.k.a., the following three aliases: —LLC Zavod Spetsagregat; —Obshchestvo S Ogranichennoi Otvetstvennostyu Zavod Spetsagregat; *and* —OOO Zavod Spetsagregat. 10A, 8 Lyulya Street, Miass, Chelyabinsk Region, 456304, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	LLC Alabuga Exim, Street 102, Sh-2 Avenue, territory of the special economic Alabuga special economic zone, Alabuga, Republic of Tatarstan, 423601, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	LLC Alabuga Machinery, Pom.110, Str. 5/12, Ul. Sh-2 (Oez Alabuga Ter.), Elabuzhski Raion, Tatarstan Resp., 423601, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	LLC Drake, a.k.a., the following one alias: —Liliani-Tekhnolodzhi, OOO. Pom.126, Str. 5/12, Ul. Sh-2 (Oez Alabuga Ter.), Elabuzhski Raion, Tatarstan Resp., 423601, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	OOO Alabuga Development, Pomeshch. 8, 9, 11, 12, 13, 14, k. 4, ul Sh-2, ter. OEZ Alabuga, gorod Elabuga, m.r-n Elabuzhski Republic of Tartarstan, 423601, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	OOO GEA, Pom.36, Str. 5/12, Ul. Sh-2 (Oez Alabuga Ter.), Elabuzhski Raion, Tatarstan Resp., 423601, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Open Joint Stock Company Aero Engine Scientific and Technical Company Soyuz, a.k.a., the following seven aliases: —Otkrytoe Aktsionernoe Obshchestvo Aviamotorny Nauchno-Tekhnicheski Kompleks Soyuz; —OAO Aviamotorny Nauchno-Tekhnicheski Kompleks Soyuz; —Moskovskoye Nauchno-Proizvodstvennoye Obyedineniye Soyuz; —JSC AMRC Soyuz; —OAO AMRC Soyuz; —AESTC Soyuz; *and* —Soyuz. 2/4 Luzhnetskaya Embankment, Moscow, 119270, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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Country	Entity	License requirement	License review policy	**Federal Register** citation
	Open Joint Stock Company Balashikhinskiy Liteyno Mekhanicheskiy Zavod, a.k.a., the following seven aliases: —Otkrytoe Aktsionernoe Obshchestvo Balashikhinskiy Liteyno Mekhanicheskiy Zavod; —OAO Balashikhinskiy Liteyno Mekhanicheskiy Zavod; —OJSC Balashikha Gasting-Mechanical Plan; —Balashikha Gasting-Mechanical Plant; —OAO BLMZ; —BLMZ; *and* —Balashikha. 4 Entuziastov Highway (Zapadnaya Promzona Territory), Balashikha, Moscow Region, 143912, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Open Joint Stock Company Machine Building Plant Arsenal, a.k.a., the following seven aliases: —Otkrytoe Aktsionernoe Obshchestvo Mashinostroitelnyi Zavod Arsenal; —OAO Mashinostroitelnyi Zavod Arsenal; —OJSC Machine Building Plant Arsenal; —Arsenal Machine Building Plant; —MZ Arsenal PAO; —MZ Arsenal OAO; *and* —MZ Arsenal. 1–3 Komsomola Street, Saint Petersburg, 195009, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Public Joint Stock Company Taganrog Aviation Scientific-Technical Complex named after G.M. Beriev, a.k.a., the following nine aliases: —Public Joint Stock Company Taganrog Aviation Scientific-Technical Complex N.A.G.M. Beriev; —PJSC Taganrog Aviation Scientific-Technical Complex N.A.G.M. Beriev; —Publichnoe Aktsionernoe Obshchestvo Taganrogski Aviatsionny Nauchno Tekhnicheski Kompleks im. G.M. Berieva; —PJSC Tastc N.A. G. M. Beriev; —Beriev Aircraft Company; —Taganrogski Aviatsionny Nauchno-Tekhnicheski Kompleks Im. G.M. Berieva PAO; —TANTK; —Public Joint Stock Company Beriev Aircraft; *and* —PJSC Beriev. 1 Aviatorov Square, Taganrog, Rostov Region, 347923, Russia; *and* Novobessergenevka Village, Neklinovski Region, 346842, Russia; *and* Military Unit 45161, Shchelkovo, Moscow Region, 114104, Russia; *and* 101V Mira Avenue, Building 1, Moscow, 129085, Russia; *and* Tyumen Settlement, Tuapse, Krasnodarsk Region, 352848, Russia; *and* 3 Solnechnaya Street, Gelendzhik, Krasnodarsk Region, 353470, Russia; *and* Sergeya Shilo Street, Taganrog, Rostov Region, 347939, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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Country	Entity	License requirement	License review policy	Federal Register citation
	Public Joint Stock Company UEC-Ufa Engine Industrial Association, a.k.a., the following fourteen aliases: —Public Joint Stock Company ODK-Ufim Motor-Building Production Association; —Public Joint-Stock Company ODK-Ufimskoye; —PJSC UEC–UMPO; —PAO UEC–UMPO; -ODK-Ufim Motor-Building Production Association; —PJSC ODK–UMPO; —United Engine Manufacturing Corporation—Ufa Engine Building Production Association Public Joint Stock Corporation; —UEC-Ufa Motor-Building Manufacturing Association; —ODK–UMPO Engine Building Enterprise; —Ufa Engine-Manufacturing Company; —ODK–UMPO PAO; —ODK–UMPO Engine Building Association; —Ufa Engine Building Manufacturing Company; *and* —UEC–UMPO. 2 Ferina Street, Ufa, Republic of Bashkortostan, 450039, Russia; *and* 4 Selskaya Bogorodskaya Street, Ufa, Republic of Bashkortostan, 450039; *and* 7 Vishnevaya Street, Moscow, 125362, Russia; *and* 47/1 Tukhvata Yanabi Boulevard, Ufa, Republic of Bashkortostan, 450043, Russia; *and* 12 Petrozavodskaya Street, Ufa, Republic of Bashkortostan, 450030, Russia; *and* 32/3 Volgogradski Avenue, Building 3, Building 11, Moscow, 109316, Russia; *and* 13 Kasatkina Street, Moscow, 129301, Russia; *and* Building 9, Lytkarino, Moscow Region, 140080, Russia; *and* Baigildino Village, Nurimanovski Region, Republic of Bashkortostan, 452443, Russia; *and* Atamanovka Village, Karaidelski Region, Republic of Bashkortostan, 452377, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Severny Reid AO, 1 Pr. Wins, Severodvinsk, Russia; *and* d. 1 Prospekt Pobedy, Severodvinsk, Arkhangelskaya obl., 164500, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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TURKEY	* *	* *	*	*
	Address 01, No: 52 Hasat Sk., Kamara Iç Kapi No: 1, Merkez Mah., Sisli, Istanbul, 34381, Turkey.	For items on the CCL and EAR99 items listed in supplement no. 7 to part 746 of the EAR.	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024]
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	All Global Trading Elektronik Dis Ticaret Ltd Sti, NO:460 Bağdat Caddesi, Iç Kapı NO: 12 Ofis 5 34846, Cevizli Mahallesi Maltepe, Istanbul, Turkey; *and* No:4 Kosar Street, Pilot Deri Binasi. Iç Kapı No: z01, Aydinli Sb Mahallesi,. Tuzla, Istanbul, Turkey; *and* No:460/12 Bagdat Caddesi Maltepe, Cevizli Mahallesi, Istanbul (Anatolia), 34846, Turkey; *and* 225 Sokak, Summer Park Sitesi D Blok, No: 8d/22 Oba Mahallesi, Alanya Antalya 07450 Turkey. (For alternate addresses, see Kazakhstan and Kyrgyzstan.)	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	ASR Trans Lojistik Ve Dis Tic Ltd Sti, a.k.a., the following four aliases: —ASR Transit; —ASR International Trade Dis Tic. Ltd. Şti.; —ASR Trade Grup; *and* —Clef Trade. Değirmen Sok. No:9, Cemal Bey Is Mrkz. Kat:6 D.: 23/25 Pk:34742, Kozyatagi Mah., Kadiköy—Kadiköy, İstanbul, Turkey; *and* Degirmen Sk., Cemal Bey Is Merkezi 11 13, Kozyatagi Mah., Kadikoy, Istanbul, Turkey.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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Country	Entity	License requirement	License review policy	**Federal Register** citation
	Biopharmist Medikal Urunler Dis Ticaret LTD STI, a.k.a., the following two aliases: —Biopharmist; *and* —Biopharmist Medikal. D–134956, Orta Mah. Oztes Sk, No.3, Orhanli, Tuzla, Istanbul, Turkey; *and* Inonu Mah., 19 Mayis Cd., No 106–5, Atasehir, Istanbul 34755, Turkey.	For all items subject to the EAR (See §§ 734.9(g), 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	* *	* *	*	*
	BRK Uluslararasi Nakliyat Tic. Ltd. Sti, a.k.a., the following two aliases: —BRK Group Uluslararası Nakliyat ve Ticaret Ltd. Sti; *and* —BRK Customs Brokerage Ltd Sti. Kocasinan Cad. Kaman Iş Merkezi No:1 Kat:2 Ofis No:7/8, Bahçelievler, İstanbul, Turkey.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
	BuyBest Electronic, a.k.a., the following three aliases: —Buy Best Electronic Pars; —Buybest Elektronik İthalat İhracat Limited Şirketi; *and* —Andriman Group İnşaat İthalat İhracat Sanayi Ve Ticaret Limited Şirketi. 19 Mayis mah, Halaskargazi cad, Polat pasaji, No:158, D:96 Şişli, Istanbul, Turkey. (See alternate addresses under China and Iran.)	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Confienza Pazarlama Ve Ticaret Anonim Sirketi, a.k.a., the following two aliases: —Confienza Gida Pazarlama Ve Ticaret Anonim Sirketi; *and* —Confienza. No.10 Cemre Sokak, Bebek Mahallesi, Besiktas Municipality, Istanbul Province, Turkey.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b)..	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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	Turkik Union Dijital Teknoloji Donusum Ofisi, a.k.a., the following alias: —Turkic Union Digital Technology Transformation Office. Block Number 1, Ataturk Cad., Yesilkoy Mah. Bakirkoy, Istanbul, 34149, Turkey; *and* No: 12 No: 8, Ataturk Cad. Egs Business Park, Bakirkoy, Istanbul, Turkey.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR)	Policy of denial for all items subject to the EAR. See § 746.8(b).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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UKRAINE	* *	* *	*	*
	Joint Stock Company Design Bureau of Navigation Systems, a.k.a., the following four aliases: —Design Bureau of Navigation Systems JSC; —Aktsionernoe Obshchestvo Konstruktorskoe Byuro Navigatsionnykh Sistem; —AO Konstruktorskoe Byuro Navigatsionnykh Sistem; *and* —AO KB Navis. 56 Baidy Vishnevetskogo Street, Sosnovski Region, Cherkasy, Ukraine. (See alternate addresses under Russia.)	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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UNITED ARAB EMIRATES.	* *	* *	*	*
	Tehran Pishro Trading Co., New Tara Hotel, Al Musall Road, Al Musall, Dubai, United Arab Emirates. (See alternate addresses under China and Iran.)	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	89 FR [INSERT FR PAGE NUMBER AND 8/27/2024].
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Thea D. Rozman Kendler,

Assistant Secretary for Export Administration.

[FR Doc. 2024–19130 Filed 8–23–24; 8:45 am]

BILLING CODE 3510–JT–P

Proposed Rules

Federal Register
Vol. 89, No. 166
Tuesday, August 27, 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.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2024–0059; FRL–11682–07–OCSPP]

Receipt of a Pesticide Petition Filed for Residues of Pesticide Chemicals in or on Various Commodities (July 2024)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of filing of petition and request for comment.

SUMMARY: This document announces the Agency's receipt of an initial filing of a pesticide petition requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before September 26, 2024.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2024–0059, 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: Madison H. Le, Biopesticides and Pollution Prevention Division (BPPD) (7511M), main telephone number: (202) 566–1400, email address: *BPPDFRNotices@epa.gov;* or Dan Rosenblatt, Registration Division (RD) (7505T), main telephone number: (202) 566–2875, email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

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/comments.html.*

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.

II. What action is the Agency taking?

EPA is announcing receipt of a pesticide petition filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the request before responding to the petitioner. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petition described in this document contains data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petition. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition that is the subject of this document, prepared by the petitioner, is included in a docket EPA has created for this rulemaking. The docket for this petition is available at *https://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

A. Notice of Filing—Amended Tolerances for Non-Inerts

1. *PP 4E9104.* EPA–HQ–OPP–2024–0200. Interregional Research Project Number 4 (IR–4), IR–4 Project

Headquarters, North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606, requests to amend 40 CFR 180.700, upon the approval of the requested tolerance, by revising the established tolerance for residues of the insecticide afidopyropen, including its metabolites and degradates, in or on leafy greens subgroup 4–16A at 2.0 parts per million (ppm) to a tolerance in or on leafy greens subgroup 4–16A, except lettuce, leaf at 2 ppm. *Contact:* RD.

2. *PP 4F9135.* EPA–HQ–OPP–2024–0322. Gowan Company, LLC, P.O. Box 556, Yuma, AZ 85366, requests to amend the existing regional tolerance established in 40 CFR 180.448 for the ovicide/miticide hexythiazox in or on fruit, citrus group 10–10 (CA, AZ, TX only) at 0.6 ppm to include a national tolerance for citrus, fruit, subgroup 10–10B (lemon/lime). The residue analytical methodology, Morse Laboratories, LLC, Analytical Method# Meth-220, Original, titled ''Determination of Hexythiazox In/On Various Matrices,'' dated May 6, 2013, with method modifications dated May 16, 2013, was reviewed by the Agency in the study, Magnitude of the Residue of Hexythiazox in or on Citrus Raw Agricultural Commodities Following One Application of Onager® 1E Miticide. The same method was used in the new residue data generated to amend the crop subgroup 10–10B lemon/lime tolerance, nationally. *Contact:* RD.

B. Notice of Filing—New Tolerance Exemptions for Inerts (Except PIPS)

1. *PP IN–11880.* EPA–HQ–OPP–2024–0344. A&L Biological, Inc., 2136 Jetstream Rd., London, ON Canada, N5V 3P5 requests to establish an exemption from the requirement of a tolerance for residues of purified bovine serum albumin (CAS Reg. No. 9048–46–8), when used as an inert ingredient in or on the raw agricultural commodity greenhouse cucumber applied pre-bloom as a stabilizer in microbial pesticides at a concentration of ≤1.0% w/w under 40 CFR 180.920. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact:* RD.

2. *PP IN–11882.* EPA–HQ–OPP–2024–0354. Croda Inc., 300–A Columbus Circle, Edison, NJ 08837–3907, c/o Exponent, Inc. Chemical Regulation and Food Safety, 1150 Connecticut Ave. NW, Suite 1100, Washington, DC 20036, requests to establish an exemption from the requirement of a tolerance for residues of glycerol ester of rosin (CAS Reg. No. 8050–31–5), when used as an inert ingredient in pesticide formulations used pre- and post- harvest under 40 CFR 180.910. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact:* RD.

3. *PP IN–11918.* EPA–HQ–OPP–2024–0356. SpayVac-for-Wildlife, Inc., 1202 Ann Street, Madison, WI 53713, requests to establish an exemption from the requirement of a tolerance for residues of cholesterol (CAS Reg. No. 97281–47–5) in equine and cervid contraceptive formulations, when used as an inert ingredient under 40 CFR 180.930. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact:* RD.

C. Notice of Filing—New Tolerance Exemptions for Non-Inerts (Except PIPS)

1. *PP 3F9084.* EPA–HQ–OPP–2024–0340. MBFi LLC, 11125 North Ambassador Drive, Suite 120, Kansas City, MO 64153, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the fungicide and nematicide *Trichoderma asperellum* DSM33649 in or on all food or feed commodities. The petitioner believes no analytical method is needed because this petition requests an exemption from the requirement of a tolerance without numerical limitations. *Contact:* BPPD.

2. *PP 4F9112.* EPA–HQ–OPP–2024–0329. EcoPhage LTD., 3 Pinchas Sapir St., Ness Ziona, Israel 7403626 (c/o Spring Regulatory Sciences 6620 Cypresswood Dr., Suite 250, Spring, TX 77379), requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the bactericides Bacteriophage active against *Xanthomonas campestris* pv. *vesicatoria*_EcoPhage and Bacteriophage active against *Pseudomonas syringae* pv. *tomato*_EcoPhage in or on all food or feed commodities. The petitioner believes no analytical method is needed because this petition requests an exemption from the requirement of a tolerance without numerical limitations. *Contact:* BPPD.

D. Notice of Filing—New Tolerances for Non-Inerts

1. *PP 4E9104.* EPA–HQ–OPP–2024–0200. Interregional Research Project Number 4 (IR–4), IR–4 Project Headquarters, North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606 requests to establish tolerances in 40 CFR 180.700 for residues of the insecticide afidopyropen, including its metabolites and degradates, in or on lettuce, leaf at 7 ppm. Compliance with the tolerance levels specified is to be determined by measuring only afidopyropen. An acceptable analytical method is available for enforcement purposes. *Contact:* RD.

2. *PP 4E9110.* EPA–HQ–OPP–2024–0262. Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419, requests to establish a tolerance in 40 CFR part 180 for residues of the insecticide, lambda-cyhalothrin, in or on pineapple and raspberry at 0.05 ppm. The ICI Method 81, ICI Method 86, ICI Method 96, and liquid chromotography with MS/MS detection analytical methods are used to measure and evaluate chemical residues of lambda-cyhalothrin. *Contact:* RD.

3. *PP 4F9117.* EPA–HQ–OPP–2024–0363. UPL NA Inc. P.O. Box 12219 Research Triangle Park, NC 27709–2219 requests to establish a tolerance in 40 CFR part 180 for residues of the herbicide acifluorfen in or on sugar beet roots and sugar beet tops at 0.06 ppm. The LC/MS/MS method is used to measure and evaluate the chemical acifluorfen. *Contact:* RD.

Authority: 21 U.S.C. 346a.

Dated: August 15, 2024.

Kimberly Smith,

Acting Director, Information Technology and Resources Management Division, Office of Program Support.

[FR Doc. 2024–18858 Filed 8–26–24; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

RIN 0648–BM94

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Fishery Management Plans of Puerto Rico, St. Croix, and St. Thomas and St. John; Amendment 2

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

ACTION: Announcement of availability of fishery management plan amendments; request for comments.

SUMMARY: The Caribbean Fishery Management Council (Council) has submitted Amendment 2 to the Puerto Rico Fishery Management Plan (FMP), Amendment 2 to the St. Croix FMP, and

Amendment 2 to the St. Thomas and St. John FMP (jointly Amendment 2) for review, approval, and implementation by NMFS. If approved by the Secretary of Commerce, Amendment 2 would prohibit and restrict the use of certain net gear in U.S. Caribbean Federal waters and would require a descending device be available and ready for use on vessels when fishing for federally managed reef fish in U.S. Caribbean Federal waters. The purpose of Amendment 2 is to protect habitats and species from the potential negative impacts associated with the use of certain net gear and to enhance the survival of released reef fish in U.S. Caribbean Federal waters.

DATES: Written comments on Amendment 2 must be received on or before October 28, 2024.

ADDRESSES: You may submit comments on Amendment 2, identified by ''NOAA–NMFS–2024–0084'', by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit *https://www.regulations.gov* and enter ''NOAA–NMFS–2024–0084'', in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Maria Lopez-Mercer, NMFS Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *https://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, *etc.*), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

An electronic copy of Amendment 2, which includes a fishery impact statement, an environmental assessment, a regulatory impact review, and a Regulatory Flexibility Act (RFA) analysis, may be obtained from the Southeast Regional Office website at *https://www.fisheries.noaa.gov/action/amendment-2-puerto-rico-st-croix-and-st-thomas-and-st-john-fishery-management-plans-trawl.*

FOR FURTHER INFORMATION CONTACT: Maria Lopez-Mercer, NMFS Southeast Regional Office, 727–824–5305, *maria.lopez@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS, with advice of the Council, manages the Puerto Rico, St. Croix, and St. Thomas and St. John fisheries in U.S. Caribbean Federal waters under the Puerto Rico, St. Croix, and St. Thomas and St. John FMPs. The Council prepared the FMPs, which the Secretary of Commerce approved, and NMFS implements the FMPs through regulations at 50 CFR part 622 under the authority of Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Magnuson-Stevens Act requires each regional fishery management council to submit any FMP or FMP amendment to the Secretary of Commerce for review and approval, partial approval, or disapproval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or amendment, publish an announcement in the **Federal Register** notifying the public that the FMP or amendment is available for review and comment.

Background

The Magnuson-Stevens Act requires NMFS and the regional fishery management councils to prevent overfishing and achieve, on a continuing basis, the optimum yield from federally managed fish stocks to ensure that fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production and recreational opportunities, and protecting marine ecosystems. The Magnuson-Stevens Act authorizes the Council and NMFS to regulate fishing activity to support the conservation and management of federally managed fisheries, which may include regulations that pertain to fishing for non-federally managed species (*i.e.,* species that are not managed under an FMP).

On September 22, 2020, the Secretary of Commerce approved the Puerto Rico, St. Croix, and St. Thomas and St. John FMPs under section 304(a)(3) of the Magnuson-Stevens Act. The FMPs took effect on October 13, 2022, after NMFS published the final rule to implement the FMPs (87 FR 56204; September 13, 2022). Each FMP contains management measures applicable for Federal waters in the respective island management area, including allowable fishing gear and harvest methods for species managed under each FMP. Federal regulations at 50 CFR part 622 Subpart S, Subpart T, and Subpart U describe management measures for Puerto Rico, St. Croix, and St. Thomas and St. John, respectively. Federal waters around Puerto Rico extend seaward from 9 nautical miles (nmi) or 16.7 kilometers (km) from shore to the offshore boundary of the U.S. Caribbean exclusive economic zone (EEZ). Federal waters around St. Croix and St. Thomas and St. John extend seaward from 3 nmi (5.6 km) from shore to the offshore boundary of the U.S. Caribbean EEZ.

In addition to regulations specific to each FMP, Federal regulations at 50 CFR 600.725(v)(V) identify the fishing gear authorized for federally-managed fisheries and non-managed fisheries of each island management area. Employing fishing gear or engaging in fishing in a fishery that is not on the list of authorized fisheries and authorized gear types is prohibited. However, an individual fisherman may notify the Council of the intent to use a fishing gear or participate in a fishery that is not on the authorized list (50 CFR 600.725(v)). Ninety days after such notification to the Council, the individual may use such fishing gear or participate in the fishery unless regulatory action is taken to prohibit the use of the gear or participation in the fishery.

In Federal waters around Puerto Rico, St. Croix, and St. Thomas and St. John, gillnets are listed as an authorized gear type for the commercial federally-managed and non-federally managed pelagic fisheries, as well as all other commercial non-federally managed fisheries located in U.S. Caribbean Federal waters. Trawl nets are listed as an authorized gear type for the commercial non-federally managed fisheries, other than the non-managed pelagic fisheries. Purse seines and trammel nets are not listed as authorized fishing gear for any fishery (managed or non-managed) in U.S Caribbean Federal waters.

At its December 2021 meeting, the Council discussed prohibiting the use of trawl gear, trammel nets, purse seines, and gillnets for all fishing in U.S. Caribbean Federal waters as a precautionary approach to prevent potential negative impacts from the use of these fishing gear types to sensitive habitats present in U.S. Caribbean Federal waters and to eliminate the potential for bycatch associated with each of these types of fishing gear. During the development of Amendment 2, when considering the use of gillnet gear, the Council recommended restricting the use of gillnets such that it would only be allowed for fishing in non-managed fisheries to accommodate fishermen who use gillnet gear at the surface of the water to catch baitfish.

Currently, gear-specific regulations in U.S. Caribbean Federal waters prohibit the use of gillnets and trammel nets in the federally-managed reef fish and spiny lobster fisheries. These regulations require that any gillnet or trammel net used to fish for any other species must be tended at all times (50 CFR 622.437(a)(3) and (c)(2); 50 CFR 622.477(a)(3) and (c)(2); 50 CFR 622.512(a)(3) and (c)(2)). Gillnets and trammel nets are also prohibited for use year-round in the seven federally-managed seasonally closed areas: Puerto Rico—(1) Abrir La Sierra Bank (50 CFR 622.439(a)(1)(ii)), (2) Tourmaline Bank (50 CFR 622.439(a)(2)(ii)), (3) Bajo de Sico (50 CFR 622.439(a)(3)(ii)); U.S. Virgin Islands (USVI)—(4) Mutton Snapper Spawning Aggregation Area (50 CFR 622.479(a)(1)(ii)), (5) Red Hind Spawning Aggregation Area east of St. Croix (50 CFR 622.479(a)(2)(ii)), (6) Grammanik Bank (50 CFR 622.514(a)(1)(ii)), and (7) Hind Bank Marine Conservation District (50 CFR 622.514(a)(2)). Though trawl gear, trammel nets, purse seines, and gillnets are used infrequently, if at all, by commercial or recreational fishermen in Federal waters around Puerto Rico, St. Croix, or St. Thomas and St. John, the Council recommends being proactive in protecting marine resources and recommend regulatory action to prohibit or restrict the use of these fishing gear types in U.S. Caribbean Federal waters.

Currently, trawl gear, which includes bottom and mid-water trawls, is listed as an authorized fishing gear type for commercial non-federally managed fisheries, other than the non-managed pelagic fisheries under each FMP (Table part V to 50 CFR 600.725(v)). As described in Amendment 2, there is no evidence that commercial fishermen use or have ever used trawl gear in Federal waters around any of the island management areas, except for limited exploratory research (*e.g.,* for commercial fishing purposes) conducted in the early 1900s.

As discussed, the use of trammel net gear is currently prohibited in the federally-managed reef fish and spiny lobster fisheries in Federal waters around Puerto Rico, St. Croix, and St. Thomas and St. John. Trammel nets are not listed in Table part V to 50 CFR 600.725(v) as an authorized fishing gear type in any managed or non-managed fisheries in Federal waters around Puerto Rico, St. Croix, and St. Thomas and St. John. As described in Amendment 2, some trammel net landings of non-managed species such as baitfish have been reported from fisheries located in Federal waters around Puerto Rico. There is no evidence of the use of trammel nets in fisheries located in Federal waters around the USVI.

Similar to trammel net gear, purse seine is not identified in Table part V to 50 CFR 600.725(v) as an authorized fishing gear type for any fishery in any of the island management areas. As discussed in Amendment 2, purse seines are not used in any fishery located in Federal waters around Puerto Rico or the USVI.

As discussed in Amendment 2, the use of gillnets is prohibited in the federally-managed reef fish and spiny lobster fisheries, and they are rarely used by commercial fishermen in non-managed fisheries in Federal waters around Puerto Rico, St. Croix, and St. Thomas and St. John due to depth and distance from the coast. However, gillnets are allowed and used in Puerto Rico territorial waters to fish for certain non-managed commercial species, including baitfish. Gillnets are prohibited in USVI territorial waters, except for gillnets used at the surface for the commercial harvest of certain species of baitfish.

In addition to impacts associated with the use of certain types of fishing gear discussed above, there is a concern about the mortality of reef fish that are released after capture by commercial and recreational fishermen, particularly reef fish caught in Federal waters around Puerto Rico, St. Croix, and St. Thomas and St. John that experience injuries related to barotrauma. Barotrauma in fish is the rapid expansion of gases inside a fish as it is rapidly retrieved from depth. Barotrauma generally occurs when retrieving fish from depths of 90 feet (27.4 meters) or greater, though it can occur in waters as shallow as approximately 33 feet (10 meters) deep. Fishermen can help increase the survivability of fish showing signs of barotrauma that are released by using a descending device. A descending device lowers a fish back to depth where internal gases recompress and the fish can be released unharmed. Descending devices are not currently required to be on any fishing vessels in U.S. Caribbean Federal waters.

Actions Contained in Amendment 2

Amendment 2 would (1) prohibit the use of trawls, trammel nets, and purse seines in all fisheries located in Federal waters around Puerto Rico, St. Croix, and St. Thomas and St. John, (2) prohibit the use of gillnets in federally-managed fisheries in Federal waters around Puerto Rico, St. Croix, and St. Thomas and St. John, and restrict the use of gillnets in non-managed fisheries to a gillnet that meets specified requirements, and (3) require a descending device be available and ready for use on each fishing vessel when fishing in federally-managed reef fish fisheries located in Federal waters around Puerto Rico, St. Croix, and St. Thomas and St. John.

Trawl, Trammel Net, and Purse Seine Gear Prohibition

As described in Amendment 2, the Council recommended a precautionary approach to management that would prevent the future use of trawl, trammel net, and purse seine gear by any sector (*i.e.,* commercial and recreational) in any fishery (*i.e.,* managed and non-managed) located in Federal waters around Puerto Rico, St. Croix, and St. Thomas and St. John. With respect to non-managed fisheries, the Magnuson-Stevens Act gives the fishery management councils and NMFS authority to regulate fishing activity to support the conservation and management of fisheries, which can include regulations that pertain to non-managed fisheries. Through this precautionary action, the Council seeks to prevent potentially negative effects to habitats and species associated with the use of certain types of fishing gear.

Amendment 2 would prohibit the use of trawl, trammel net, and purse seine gear in all fisheries located in Federal waters around Puerto Rico, St. Croix, and St. Thomas and St. John. If implemented, and the gear types are specifically prohibited, fishermen would not be able to petition the Council to use of trawl, trammel net, and purse seine gear in Federal waters.

Gillnet Gear Prohibition and Restriction

Amendment 2 includes a precautionary action to prohibit the use of gillnets in all federally-managed fisheries located in Federal waters around Puerto Rico, St. Croix, and St. Thomas and St. John. Amendment 2 would also restrict the use of gillnets in Federal waters around Puerto Rico, St. Croix, and St. Thomas and St. John to commercial non-managed fisheries only, and only so long as the gillnet meets the following specifications and requirements: (1) the gillnet mesh size must be exactly 0.75 inches (1.9 centimeters) square or 1.5 inches (3.8 centimeters) stretched; (2) one gillnet up to 600 feet (182.9 m) in length is allowed on board a vessel; (3) the gillnet must be used 20 feet (6.1 m) or more above the bottom; and (4) the gillnet must be tended at all times.

The current use of gillnets in the commercial non-managed fisheries located in Federal waters around Puerto

Rico, St. Croix, and St. Thomas and St. John is minimal, due to the water depth and distance from the coast. Amendment 2 would establish specific requirements for gillnets used in these fisheries to prevent or minimize potential negative ecological and biological effects (*e.g.,* bycatch of undersized individuals or protected species), and to prevent physical effects to habitats in the U.S. Caribbean Federal waters, which may occur if a gillnet is attached to or makes contact with the bottom. The specific gillnet requirements were developed to reflect how the gear is currently used by commercial fishermen in territorial waters around Puerto Rico and the USVI to harvest baitfish.

Descending Devices

Amendment 2 would require a descending device be on board a commercial or recreational vessel and readily available for use while fishing for or possessing species of reef fish managed under the FMPs. The list of reef fish managed by the Council in each FMP and can be found in table 3 to 50 CFR part 622.431 (Puerto Rico), table 2 to 50 CFR part 622.471 (St. Croix), and table 2 to 50 CFR part 622.506 (St. Thomas and St. John).

For this proposed requirement, a descending device means an instrument that is attached to a minimum 16-ounces (454-grams) of weight and length of line that will release the fish at the depth from which it was caught, or a minimum of 60 feet (18.3 meters). The descending device attaches to the fish's mouth or is a container that will hold the fish. The device must be capable of releasing the fish automatically, by the actions of the operator of the device, or by allowing the fish to escape on its own. Since minimizing surface time is critical to increasing survival, a descending device must be readily available for use while engaged in fishing for federally-managed reef fish.

Proposed Rule for Amendment 2

NMFS has drafted a proposed rule to implement Amendment 2. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with the FMPs, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

Consideration of Public Comments

The Council has submitted Amendment 2 for Secretarial review, approval, and implementation. Comments on Amendment 2 must be received by October 28, 2024. NMFS is considering if additional time for implementing the descending device requirement would be warranted to allow the Council the opportunity to conduct additional outreach and education activities and for fishermen to obtain the required descending device. NMFS will announce for the effective date of the descending device requirement in any final rule for Amendment 2. Comments received during the respective comment periods, whether specifically directed to Amendment 2 or the proposed rule will be considered by NMFS in the decision to approve, disapprove, or partially approve Amendment 2. Comments received after the comment periods will not be considered by NMFS in this decision. All comments received by NMFS on Amendment 2 or the proposed rule during their respective comment periods will be addressed in the final rule.

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

Dated: August 21, 2024.

Lindsay Fullenkamp,

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

[FR Doc. 2024–19172 Filed 8–26–24; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 89, No. 166
Tuesday, August 27, 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

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 September 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: Summer Food Service Program.

OMB Control Number: 0584–0280.

Summary of Collection: The Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1751 *et seq.*) authorizes the Summer Food Service Program (SFSP) 7 CFR part 225. Section 10 of the Child Nutrition Act of 1966 (CNA) (Pub. L. 111–296) requires the Secretary of Agriculture to prescribe such regulations as deemed necessary to carry out Child Nutrition Programs authorized under the NSLA and CNA. The SFSP is directed toward children in low-income areas when school is not in session and is administered by FNS in partnership with State agencies and local program sponsors. FNS published a final rule, ''*Child Nutrition Programs: Meal Patterns Consistent with the 2020–2025 Dietary Guidelines for Americans*'' (RIN 0584–AE88) in the **Federal Register** on April 25, 2024 (89 FR 31962) which introduces a new recordkeeping requirement for the SFSP. Under the SFSP, FNS is required to develop nutrition requirements that are consistent with the goals of the most recent *Dietary Guidelines for Americans.* In addition, SFSP sponsors are required by regulation to comply with the meal requirements. This rulemaking finalizes long-term school, institution, and facility nutrition requirements based on the most recent *Dietary Guidelines for Americans* and feedback from Child Nutrition Program stakeholders. The final rule allows SFSP sponsors, including non-profit institutions and camps, that serve primarily American Indian or Alaska Native children to serve vegetables to meet the grains requirement. FNS is also accounting for start-up costs of $10,000 for the SFSP operators associated with menu changes because of this final rule.

FNS is publishing a 30-Day Notice for this final rule submission because the agency changed how the requirement and burden change were submitted for approval in the final rule from what was used in the proposed rule. Due to uncertain timing of the rules in conjunction with the renewal of OMB Control Number 0584–0006, FNS decided to request a new OMB control number for the collections related to the rule and later merge them into the existing information collections that are related to these requirements. By the time of the final rule, however, OMB Control Number 0584–0006 was renewed, so FNS decided to switch to revisions of the existing collections, rather than requesting a new OMB control number. OMB reviewed the proposed submission as ''filed with comment'' on March 21, 2023, and assigned the preliminary OMB Control Number 0584–0679 to the collection. However, because FNS decided to submit revisions to the existing information collections, this preliminary OMB control number was not used for the final rule submission.

Need and Use of the Information: The revisions to this ongoing information collection are due to the final rule, ''*Child Nutrition Programs: Meal Patterns Consistent with the 2020–2025 Dietary Guidelines for Americans*'', which amends Program regulations and introduces a new recordkeeping requirement into this collection. SFSP program sponsors, including non-profit institutions and camps, must maintain documentation required by this rule. This final rule contains an information requirement that is required to obtain or retain a benefit. The SFSP sponsors (institutions and camps) are required to maintain documentation to show that they are eligible, when they are serving primarily American Indian or Alaska Native children, to implement the menu planning options to serve vegetables to meet the grains requirement. Maintaining these records ensures program integrity. FNS uses this information to ensure compliance with the final rule requirements concerning this menu planning option.

Description of Respondents: Individuals/Households, State, Local or Tribal Government; Non-profit Business Institutions.

Number of Respondents: 63,942.

Frequency of Responses: Reporting; Recordkeeping: On Occasion.

Total Burden Hours: 462,724.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–19138 Filed 8–26–24; 8:45 am]

BILLING CODE 3410–30–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 September 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 and Adult Care Food Program (CACFP)

OMB Control Number: 0584–0055.

Summary of Collection: The Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1751 *et seq.*) authorizes the Child and Adult Care Program (CACFP). Section 10 of the Child Nutrition Act of 1966 (CNA) (Pub. L. 111–296) requires the Secretary of Agriculture to prescribe such regulations as deemed necessary to carry out the Child Nutrition Programs authorized under the NSLA and the CNA. The CACFP provides reimbursements for nutritious meals and snacks to eligible children and adults who are enrolled for care at participating childcare centers, day care homes, and adult care centers, in addition to children and adolescents participating in afterschool care programs. FNS published a final rule, ''*Child Nutrition Programs: Meal Patterns Consistent with the 2020–2025 Dietary Guidelines for Americans*'' (RIN 0584–AE88) in the **Federal Register** on April 25, 2024 (89 FR 31962) which introduces new recordkeeping requirements for the CACFP. Under the CACFP, FNS is required to develop nutrition requirements that are consistent with the goals of the most recent *Dietary Guidelines for Americans.* In addition, institutions and facilities are required by regulation to comply with the meal requirements. This rulemaking finalizes long-term school, institution, and facility nutrition requirements based on the most recent *Dietary Guidelines for Americans* and feedback from Child Nutrition Program stakeholders. The final rule allows CACFP institutions and facilities that serve primarily American Indian or Alaska Native children to serve vegetables to meet the grains requirements. FNS is also accounting for start-up costs of $305,000 for the CACFP operators associated with menu changes because of this final rule.

FNS is publishing a 30-Day Notice for this final rule submission because the agency changed how the requirements and burden changes were submitted for approval in the final rule from what was used in the proposed rule. Due to uncertain timing of the rules in conjunction with the renewal of OMB Control Number 0584–0006, FNS decided to request a new OMB control number for the collections related to the rule and later merge them into the existing information collections that are related to these requirements. By the time of the final rule, however, OMB Control Number 0584–0006 was renewed, so FNS decided to switch to revisions of the existing collections, rather than requesting a new OMB control number. OMB reviewed the proposed submission as ''filed with comment'' on March 21, 2023, and assigned the preliminary OMB Control Number 0584–0679 to the collection. However, because FNS decided to submit revisions to the existing information collections, this preliminary OMB control number was not used for the final rule submission.

Need and Use of the Information: The revisions to this ongoing information collection are due to the final rule, ''*Child Nutrition Programs: Meal Patterns Consistent with the 2020–2025 Dietary Guidelines for Americans*'', which amends Program regulations and introduces new recordkeeping requirements into this collection. CACFP program operators at institutions and facilities must maintain documentation required by this rule. This final rule contains information requirements that are required to obtain or retain a benefit. The CACFP institutions and facilities are required to maintain documentation to show that they are eligible, when they are serving primarily American Indian or Alaska Native children, to implement the menu planning options to serve vegetables to meet the grains requirement. Maintaining these records ensures program integrity. FNS uses this information to ensure compliance with the final rule requirements.

Description of Respondents: Individuals/Households; State, Local or Tribal Governments; Non-profit Business Institutions.

Number of Respondents: 3,794,949.

Frequency of Responses: Recordkeeping: On Occasion.

Total Burden Hours: 4,213,974.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–19137 Filed 8–26–24; 8:45 am]

BILLING CODE 3410–30–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 September 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: National School Lunch Program.

OMB Control Number: 0584–0006.

Summary of Collection: The Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1751 *et seq.*) authorizes the National School Lunch Program (NSLP). Section 10 of the Child Nutrition Act of 1966 (CNA) (Pub. L. 111–296) requires the Secretary of Agriculture to prescribe such regulations as deemed necessary to carry out Child Nutrition Programs authorized under the NSLA and the CNA. The NSLA, as amended, authorizes the NSLP; 7 CFR part 210, to safeguard the health and well-being of the Nation's children and provide free or reduced-price school lunches to eligible students through subsidies to schools. FNS published a final rule, ''*Child Nutrition Programs: Meal Patterns Consistent with the 2020–2025 Dietary Guidelines for Americans*'' (RIN 0584–AE88) in the **Federal Register** on April 25, 2024 (89 FR 31962) which introduces new reporting and recordkeeping requirements for the NSLP. Under the NSLA, FNS is required to develop school nutrition requirements that are consistent with the goals of the most recent *Dietary Guidelines for Americans*. In addition, schools are required by regulation to comply with the meal requirements. This rulemaking finalizes long-term school nutrition requirements based on the most recent *Dietary Guidelines for Americans* and feedback from Child Nutrition Program stakeholders. The final rule strengthens the Buy American provision which requires the purchase of domestic commodities or products ''to the maximum extent practicable,'' maintains circumstances where limited exceptions are permitted to those requirements and requires school food authorities (SFAs) to include the Buy American provisions in procurement procedures, solicitations, food contracts, and awarded contracts. The final rule permits flexibilities regarding the standard educational criteria in the professional standards hiring requirements and allows SFAs and schools that are tribally operated, operated by the Bureau of Indian Education, and that serve primarily American Indian or Alaska Native children to serve vegetables to meet the grains requirements. In addition, to meet the goals of the *Dietary Guidelines for Americans,* the final rule updates nutrition requirements, particularly concerning reduced sodium and reduced added sugar content in school meals, which means that SFAs will need to do additional development and editing of their menus. In addition, FNS is also accounting for total additional start-up and maintenance costs of $21,819,000 that will be incurred by the State agencies and SFAs for maintenance of databases, menu planning, materials, and other rule-related costs as a result of this final rule.

FNS is publishing a 30-Day Notice for this final rule submission because the agency changed how the requirements and burden changes were submitted for approval in the final rule from what was used in the proposed rule. Due to uncertain timing of the rules in conjunction with the renewal of this collection, FNS decided to request a new OMB control number for the collections related to the rule and later merge them into the existing information collections that are related to these requirements. By the time of the final rule, however, this collection was renewed, so FNS decided to switch to revisions of the existing collections, rather than requesting a new OMB control number. OMB reviewed the proposed submission as ''filed with comment'' on March 21, 2023, and assigned the preliminary OMB Control Number 0584–0679 to the collection. However, because FNS decided to submit revisions to the existing information collections, this preliminary OMB control number was not used for the final rule submission.

Need and Use of the Information: The revisions to this ongoing information collection are due to the final rule, ''*Child Nutrition Programs: Meal Patterns Consistent with the 2020–2025 Dietary Guidelines for Americans*'', which amends Program regulations and introduces new reporting and recordkeeping requirements into this collection. Staff at the State agencies and the SFAs must collect, provide, and maintain the information required by this rule. This final rule encompasses both mandatory and required to obtain or retain a benefit information requirements. The State agencies and SFAs are responsible for maintaining documentation and records to demonstrate their compliance with the Buy American provisions, the flexibility for SFAs or its schools which are tribally operated, operated by the Bureau of Indian Education, or serve primarily American Indian or Alaska Native students to serve vegetables in place of grains, the submission and approval of requests to hire school nutrition program directors who do not meet the standard education criteria, and to develop and maintain menus that reflect the updated nutrition specifications in accordance with the final rule. FNS will use this information to ensure compliance with the final rule requirements.

Description of Respondents: State, Local, or Tribal Government.

Number of Respondents: 115,935.

Frequency of Responses: Recordkeeping; Reporting: On occasion, Annually, and Other (every 3 years).

Total Burden Hours: 10,143,277.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–19136 Filed 8–26–24; 8:45 am]

BILLING CODE 3410–30–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 September 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.

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Agricultural Research Service

Title: Focus Groups to Understand Insights and Experiences of Manureshed Managers.

OMB Number: 0518–XXXX.

Summary of Collection: This is a request, made by ARS National Program Leader and ARS Rangeland Management Specialist, that the OMB approve, under the Paperwork Reduction Act of 1995, a generic clearance for the ARS to conduct focus groups to understand the perspectives and experiences of agricultural and natural resource professionals who facilitate collaborative ''manureshed'' management. A manureshed is the land geographically and economically connected to confined animal feeding operations where manure from the operations can be recycled to meet social, economic, and environmental goals.

Need and Use of the Information: The USDA–ARS Manureshed Working Group will use focus group results to design research and extension activities that address the knowledge gaps and opportunities illuminated by practitioners on the ground to help develop viable strategies for cooperative manure management

The Manureshed Working Group has begun to define the issues and describe potential solutions using its own research-based and extension-based knowledge with geospatial mapping and modeling. The next critical step for manureshed researchers is to engage directly with people on the ground who recycle manure, to incorporate their insights into targeted, solutions-oriented research and extension.

Respondents: Individuals/Households; Farms. Respondent types are animal farmers, crop farmers, manure professionals, natural resource management professionals, and other stakeholders who each have a key role in facilitating manureshed management in Colorado, Minnesota, and New Mexico.

Estimated Number of Respondents: 450.

Estimated Total Annual Burden on Respondents: 398 hours.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–19243 Filed 8–26–24; 8:45 am]

BILLING CODE 3410–03–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 September 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: School Breakfast Program.

OMB Control Number: 0584–0012.

Summary of Collection: Section 4 of the Child Nutrition Act of 1966 (CNA) (Pub. L. 111–296) authorizes the School Breakfast Program (SBP) 7 CFR part 220, as a nutrition assistance program. Section 10 of the CNA requires the Secretary of Agriculture to prescribe such regulations as deemed necessary to carry out Child Nutrition Programs authorized under the CNA. The CNA authorizes payments to the States to assist them to initiate, maintain or expand nonprofit breakfast programs in the schools. FNS published a final rule, ''*Child Nutrition Programs: Meal Patterns Consistent with the 2020–2025 Dietary Guidelines for Americans*'' (RIN 0584–AE88) in the **Federal Register** on April 25, 2024 (89 FR 31962) which introduces new recordkeeping requirements for the SBP. Under the SBP and the National School Lunch Program (NSLP), FNS is required to develop school nutrition requirements that are consistent with the goals of the most recent *Dietary Guidelines for Americans.* In addition, schools are required by regulation to comply with the meal requirements. This rulemaking finalizes long-term school nutrition requirements based on the most recent *Dietary Guidelines for Americans* and feedback from Child Nutrition Program stakeholders. The final rule strengthens the Buy American provision which requires the purchase of domestic commodities or products ''to the maximum extent practicable,'' maintains circumstances where limited exceptions to those requirements are permitted and requires school food authorities (SFAs) to include the Buy American provisions in procurement procedures, solicitations, food contracts, and awarded contracts. The final rule allows SFAs and schools that are tribally operated, operated by the Bureau of Indian Education, and that serve primarily American Indian or Alaska Native children to serve vegetables to meet the grains requirements. In addition, the final rule updates school meal nutrition requirements, including implementing quantitative limits for the following leading sources of added sugars in school breakfast meals: breakfast cereals, yogurts, and flavored milks. The rulemaking will also implement a dietary specification limiting added sugars to less than 10 percent of calories per week in the school breakfast programs. This means that SFAs will need to do additional development and editing of their menus.

FNS is publishing a 30-Day Notice for this final rule submission because the agency changed how the requirements and burden changes were submitted for approval in the final rule from what was used in the proposed rule. Due to uncertain timing of the rules in

conjunction with the renewal of OMB Control Number 0584–0006, FNS decided to request a new OMB control number for the collections related to the rule and later merge them into the existing information collections that are related to these requirements. By the time of the final rule, however, OMB Control Number 0584–0006 was renewed, so FNS decided to switch to revisions of the existing collections, rather than requesting a new OMB control number. OMB reviewed the proposed submission as ''filed with comment'' on March 21, 2023, and assigned the preliminary OMB Control Number 0584–0679 to the collection. However, because FNS decided to submit revisions to the existing information collections instead, this preliminary OMB control number was not used for the final rule submission.

Need and Use of the Information: The revisions to this ongoing information collection are due to the final rule, ''*Child Nutrition Programs: Meal Patterns Consistent with the 2020–2025 Dietary Guidelines for Americans*'', which amends Program regulations and introduces new recordkeeping requirements into this collection. Staff at the SFA level must maintain the information required by this rule. This final rule encompasses both mandatory and required to obtain or retain a benefit information requirements. The SFAs are responsible for maintaining documentation and records to demonstrate their compliance with the Buy American provisions, the flexibility for SFAs or its schools which are tribally operated, operated by the Bureau of Indian Education, or serve primarily American Indian or Alaska Native students to serve vegetables in place of grains, and to maintain menu records that reflect the updated nutrition specifications in accordance with the final rule. FNS will use this information to ensure compliance with the final rule requirements.

Description of Respondents: State, Local, or Tribal Government.

Number of Respondents: 105,700.

Frequency of Responses: Recordkeeping: On occasion; Annually, Other (every 3 years).

Total Burden Hours: 4,036,508.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–19140 Filed 8–26–24; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2024–0005]

Addition of Bangladesh, Montenegro, and Albania to the List of Regions Affected by African Swine Fever

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that we have added Bangladesh, Montenegro, and Albania to the Animal and Plant Health Inspection Service (APHIS) list maintained on the APHIS website of regions considered to be affected by African swine fever (ASF). We have taken this action because of the confirmation of ASF in these countries.

DATES: Bangladesh, Montenegro, and Albania were added to the list of regions APHIS considers to be affected with ASF, effective respectively on December 26, 2023, January 22, 2024, and March 1, 2024.

FOR FURTHER INFORMATION CONTACT: For Bangladesh and Albania: Dr. La'Toya Lane, APHIS Veterinary Services, Regionalization Evaluation Services, 4700 River Road, Riverdale, MD 20737; phone: (301) 550–1671; email: *AskRegionalization@usda.gov.* For Montenegro: Dr. Heather Sriranganathan, APHIS Veterinary Services, Regionalization Evaluation Services, 4700 River Road, Riverdale, MD 20737; phone: (717) 818–3582, email: *AskRegionalization@usda.gov.*

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation of certain animals and animal products into the United States to prevent the introduction of various animal diseases, including African swine fever (ASF). ASF is a highly contagious disease of wild and domestic swine that can spread rapidly with extremely high rates of morbidity and mortality. A list of regions where ASF exists or is reasonably believed to exist is maintained on the Animal and Plant Health Inspection Service (APHIS) website at *https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-and-animal-product-import-information/animal-health-status-of-regions/*. This list is referenced in § 94.8(a)(2) of the regulations.

Section 94.8(a)(3) of the regulations states that APHIS will add a region to the list referenced in § 94.8(a)(2) upon determining ASF exists in the region or having reason to believe the disease exists in the region, based on reports APHIS receives of outbreaks of the disease from veterinary officials of the exporting country, from the World Organization for Animal Health (WOAH),[1] or from other sources the Administrator determines to be reliable, or upon determining that there is reason to believe the disease exists in the region. Section 94.8(a)(1) of the regulations specifies the criteria on which the Administrator bases the reason to believe ASF exists in a region. Section 94.8(b) prohibits the importation of pork and pork products from regions listed in accordance with § 94.8 except if processed and treated in accordance with the provisions specified in that section or consigned to an APHIS-approved establishment for further processing. Section 96.2 restricts the importation of swine casings that originated in or were processed in a region where ASF exists, as listed under § 94.8(a).

On December 21, 2023, the veterinary authorities of Bangladesh reported to the WOAH the occurrence of ASF in that country. In response to that report, on December 26, 2023, APHIS added Bangladesh to the list of regions where ASF exists or the Administrator has reason to believe that ASF exists, in compliance with § 94.8(a)(3). This notice serves as an official record and public notification of that action.

On January 17, 2024, the veterinary authorities of Montenegro reported to the WOAH the occurrence of ASF in that country. In response to that report, on January 22, 2024, APHIS added Montenegro to the list of regions where ASF exists or the Administrator has reason to believe that ASF exists, in compliance with § 94.8(a)(3). This notice serves as an official record and public notification of that action.

On February 26, 2024, the veterinary authorities of Albania reported to the WOAH the occurrence of ASF in that country. In response to that report, on March 1, 2024, APHIS added Albania to the list of regions where ASF exists or the Administrator has reason to believe ASF exist, in compliance with § 94.8(a)(3). This notice serves as an official record and public notification of that action.

As a result, pork and pork products from Bangladesh, Montenegro, and Albania, including casings, are subject to APHIS import restrictions designed to

[1] The World Organization for Animal Health internationally follows a British English spelling of ''organisation'' in its name; also, it was formerly the Office International des Epizooties, or OIE, but on May 28, 2022, the Organization announced that the acronym was changed from OIE to WOAH.

mitigate the risk of ASF introduction into the United States.

Authority: 7 U.S.C. 1633, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 6th day of August 2024.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2024–19177 Filed 8–26–24; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2024–0044]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Foot-and-Mouth Disease: Prohibition on Importation of Farm Equipment

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the importation of used farm equipment into the United States from regions affected with foot-and-mouth disease.

DATES: We will consider all comments that we receive on or before October 28, 2024.

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

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2024–0044 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2024–0044, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

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

FOR FURTHER INFORMATION CONTACT: For information on foot and mouth disease and the prohibition on importation of farm equipment, contact Dr. Lisa Dixon, National Director, Animal Product Import and Export, Strategy and Policy, Veterinary Services, 4700 River Road, Riverdale, MD 20737; (301) 851–3373; email: *lisa.m.dixon@usda.gov.* For more information on the information collection process, contact Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2533; *joseph.moxey@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Foot-and-Mouth Disease: Prohibition on Importation of Farm Equipment.

OMB Control Number: 0579–0195.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is authorized, among other things, to prohibit or restrict the importation of animals, animal products, and other articles into the United States to prevent the introduction of animal diseases and pests. The regulations for the importation of animals, animal products, and other articles into the United States are contained in 9 CFR parts 93 through 98.

In part 94, § 94.1(c) prohibits the importation of used farm equipment into the United States from regions where APHIS considers foot-and-mouth disease (FMD) to exist unless the equipment has been steam-cleaned prior to export to the United States so that it is free of exposed dirt and other particulate matter. Such equipment must be accompanied by an original certificate, signed by an authorized official of the national animal health service of the exporting region, stating that the farm equipment, after its last use and prior to export, was steam-cleaned free of all exposed dirt and other particulate matter.

We are asking the Office of Management and Budget (OMB) to approve our use of this information collection activity, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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;

(2) Evaluate the accuracy of our estimate of the burden of the 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; and

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

Estimate of Burden: The public burden for this collection of information is estimated to average 0.2 hours per response.

Respondents: Exporters of farm equipment and foreign animal health authorities from regions where FMD exists.

Estimated Annual Number of Respondents: 77.

Estimated Annual Number of Responses per Respondent: 5.

Estimated Annual Number of Responses: 390.

Estimated Total Annual Burden on Respondents: 78 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 8th day of August 2024.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2024–19207 Filed 8–26–24; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Fremont and Winema Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Fremont and Winema Resource Advisory Committee will hold a public meeting according to the details shown below. The committee is authorized under the Secure Rural Schools and Community Self-

Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act, as well as make recommendations on recreation fee proposals for sites on the Fremont-Winema National Forest within Klamath County and Lake County, consistent with the Federal Lands Recreation Enhancement Act.

DATES: An in-person and virtual meeting will be held on September 11, 2024, from 9 a.m. to 4:30 p.m. (Pacific Daylight Time).

Written and Oral Comments: Anyone wishing to provide in-person and virtual oral comments must pre-register by 11:59 p.m. (Pacific Daylight Time) on September 4, 2024. Written public comments will be accepted by 11:59 p.m. (Pacific Daylight Time) on September 4, 2024. Comments submitted after this date will be provided by the Forest Service to the committee, but the committee may not have adequate time to consider those comments prior to the meeting.

All committee meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: This meeting will be held in-person at the Bly Ranger Station, located at 6110 Gany Hoe, Bly, Oregon 97622. The public may also join virtually via webcast, teleconference, videoconference, or Homeland Security Information Network virtual meeting at *https://teams.microsoft.com/l/meetup-join/19%3ameeting_NjZhZmNiMjAtZDQxMS00Njg4LThkMDktYTk2NjU4MzQxNzM5%40thread.v2/0?context=%7b%22Tid%22%3a%22ed5b36e7-01ee-4ebc-867e-e03cfa0d4697%22%2c%22Oid%22%3a%22bd7a9d4c-727b-4ae7-8385-c7e860b726c5%22%7d.* Committee information and meeting details can be found at the following website: *https://www.fs.usda.gov/main/fremont-winema/workingtogether/advisorycommittees or* by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Written comments must be sent by email to *avery.kool@usda.gov or* via mail (postmarked) to Avery Kool, 2819 Dahlia Street, Klamath Falls, OR 97601. The Forest Service strongly prefers comments be submitted electronically.

Oral Comments: Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. (Pacific Daylight Time) on September 4, 2024, and speakers can only register for one speaking slot. Oral comments must be sent by email to *avery.kool@usda.gov* or via mail (postmarked) to Avery Kool, 2819 Dahlia Street, Klamath Falls, OR 97601.

FOR FURTHER INFORMATION CONTACT: Melanie Fullman, Designated Federal Officer, by phone at 541–885–3406 or email at *melanie.fullman@usda.gov*; or Avery Kool, Resource Advisory Committee Coordinator, by phone at 541–219–0372 or email at *avery.kool@usda.gov*.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Elect a chairperson;
2. Hear monitoring reports from previous Title II project recipients;
3. Hear from Title II project proponents and discuss Title II project proposals;
4. Make funding recommendations on Title II projects; and
5. Schedule the next meeting.

The agenda will include time for individuals to make oral statements of three minutes or less. To be scheduled on the agenda, individuals wishing to make an oral statement should make a request in writing at least three days prior to the meeting date. Written comments may be submitted to the Forest Service up to 10 days after the meeting date listed under **DATES**.

Please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, by or before the deadline, for all questions related to the meeting. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

Meeting Accommodations: The meeting location is compliant with the Americans with Disabilities Act, and the USDA provides reasonable accommodation to individuals with disabilities where appropriate. If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpretation, assistive listening devices, or other reasonable accommodation to the person listed under the **FOR FURTHER INFORMATION CONTACT** section or contact USDA's TARGET Center at 202–720–2600 (voice and TTY) or USDA through the Federal Relay Service at 800–877–8339. Additionally, program information may be made available in languages other than English.

USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Equal opportunity practices in accordance with USDA's policies will be followed in all appointments to the committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent the many communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs of the American people, including underserved communities. USDA is an equal opportunity provider, employer, and lender.

Dated: July 30, 2024.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2024–17120 Filed 8–26–24; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

[Docket No. RHS–24–CF–0027]

60-Day Notice of Proposed Information Collection: Rural Community Development Initiative (RCDI) Grant Program; OMB Control No.: 0575–0180

AGENCY: Rural Housing Service, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the United States Department of Agriculture (USDA) Rural Housing Service (RHS or Agency) announces its intention to request a revision of a currently approved information collection and invites comments on this information collection.

DATES: Comments on this notice must be received by October 28, 2024 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically through the Federal eRulemaking Portal, *regulations.gov*. In the ''Search for dockets and documents on agency

actions'' box, enter the docket number ''RHS–24–CF–0027,'' and click the ''Search'' button. From the search results: click on or locate the document title: ''60-Day Notice of Proposed Information Collection: ''Rural Community Development Initiative (RCDI) Grant Program'' and select the ''Comment'' button. Before inputting comments, commenters may review the ''Commenter's Checklist'' (optional). To submit a comment: Insert comments under the ''Comment'' title, click ''Browse'' to attach files (if available), input email address, select box to opt to receive email confirmation of submission and tracking (optional), select the box ''I'm not a robot,'' and then select ''Submit Comment.''

Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''FAQ'' link.

All comments will be available for public inspection online at the Federal eRulemaking Portal (*regulations.gov*).

FOR FURTHER INFORMATION CONTACT: MaryPat Daskal, Rural Development Innovation Center—Regulations Management Division, USDA, 1400 Independence Avenue SW, Room 4227, South Building, Washington, DC 20250–1522. Telephone: (202) 720–7853. Email: *MaryPat.Daskal@usda.gov*.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies the following information collection that RHS is submitting to OMB as a revision to an existing collection with Agency adjustment.

Title: Rural Community Development Initiative (RCDI).

OMB Number: 0575–0180.

Expiration Date of Approval: January 31, 2025.

Type of Request: Revision of a currently approved collection.

Estimate of Burden: This collection of information is estimated to average 1.19 hours per response.

Respondents: Intermediaries and recipients.

Estimated Number of Respondents: 90.

Estimated Number of Responses per Respondent: 38.44.

Estimated Total Number of Responses: 3,460.

Estimated Annual Reporting Burden on Respondents: 3,294 hours.

Estimated Annual Recordkeeping Burden on Respondents: 840 hours.

Estimated Total Annual Burden on Respondents: 4,134 hours.

Abstract

RHS, an Agency within the USDA Rural Development mission area, administers the RCDI grant program through the Community Facilities Division. The intent of the RCDI grant program is to develop the capacity and ability of rural area recipients to undertake projects through a program of technical assistance provided by qualified intermediary organizations. The eligible recipients are nonprofit organizations, low-income rural communities, or federally recognized Indian tribes. The intermediary may be a qualified private, nonprofit, or public (including tribal) organization. The intermediary is the applicant. The intermediary must have been organized a minimum of three (3) years at the time of application. The intermediary will be required to provide matching funds, in the form of cash or committed funding, in an amount at least equal to the RCDI grant.

Information will be collected by the field offices from applicants. The collection of information is considered the minimum necessary to effectively evaluate the overall scope of the project.

Failure to collect information could have an adverse impact on effectively carrying out the mission, administration, processing, and program requirements.

Comments are invited on:

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.

(b) 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.

(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 respondents, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Copies of this information collection can be obtained from Lisa Day, Innovation Center—Regulations Management Division, at (971) 313.4750. Email: *Lisa.Day@USDA.GOV*.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Joaquin Altoro,

Administrator, Rural Housing Service.

[FR Doc. 2024–19231 Filed 8–26–24; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–153–2024]

Foreign-Trade Zone 80; Application for Subzone; Senior Operations LLC; New Braunfels, Texas

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the City of San Antonio, grantee of FTZ 80, requesting subzone status for the facility of Senior Operations LLC, located in New Braunfels, Texas. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on August 22, 2024.

The proposed subzone (12 acres) is located at 2400 Longhorn Industrial Drive, New Braunfels, Texas. A notification of proposed production activity has been submitted and is being processed under 15 CFR 400.37 (Doc. B–37–2024). The proposed subzone would be subject to the existing activation limit of FTZ 80.

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov*. The closing period for their receipt is October 7, 2024. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to October 21, 2024.

A copy of the application will be available for public inspection in the ''Online FTZ Information Section'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz*.

For further information, contact Camille Evans at *Camille.Evans@trade.gov*.

Dated: August 22, 2024.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2024–19193 Filed 8–26–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

AI-Enabled Medical Technologies Industry Roundtable

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The International Trade Administration (ITA) of the Department of Commerce announces a roundtable discussion with industry representatives and U.S. government officials on strategies to increase U.S. industry competitiveness and support commercialization of U.S.-produced artificial intelligence (AI)-enabled medical technologies. ITA invites applications from industry representatives to participate in the roundtables. Applicants should be existing producers/providers or prospective new market entrants in the AI-enabled medical technology sector with solutions that are or will be produced or developed in the United States and exported overseas.

DATES:

Event: The roundtable will be held on Wednesday, October 30, 2024, from 2:30 p.m. to 4:30 p.m., Eastern Daylight Time.

Event Registration: ITA will evaluate registrations based on the submitted information (see below) and inform applicants of selection decisions, which will be made on a rolling basis until a maximum of 20 participants have been selected.

ADDRESSES:

Event: The roundtable will be held via Microsoft Teams, and the link for the meeting will be provided to selected and registered participants.

FOR FURTHER INFORMATION CONTACT: Liam Kraft at 771–216–4432 or via email at *HealthAI@trade.gov.*

SUPPLEMENTARY INFORMATION: AI is anticipated to yield significant growth opportunities for the healthcare sector. With AI regulation and policy formation still nascent in many markets, it is important to understand the implications of changes in these areas for U.S. healthcare industry stakeholders as governments, practitioners, and patients increasingly adopt AI solutions in healthcare and as demand for AI-enabled medical technologies grows in overseas markets. This discussion will help position ITA to work with U.S. industry stakeholders in ways that can enhance U.S. industry competitiveness in overseas markets and reduce current or future trade barriers faced by companies in this space.

The Department seeks individual input and views at the 10/30/2024 roundtable regarding overseas competitiveness of U.S. companies producing, or planning to produce, and exporting AI-enabled medical technologies. Participants will be encouraged to provide any relevant feedback on this issue during the roundtable, which may include comments on the following non-exhaustive list of possible topics:

- With the introduction of technologies such as foundational models and general-purpose AI, what are the implications of regulatory and policy shifts in markets to which your company exports AI-enabled medical technologies, and how have these changes affected your company's competitiveness?
- Which markets, given shifting regulatory and policy landscapes, present the most conducive environment for the competitiveness of U.S. AI-enabled medical technologies, from your experience?
- How do you assess the potential for public-private partnerships (P3s) to support efforts in the healthcare sector to deliver AI-enabled medical technologies to overseas markets? What would a successful P3 in this space look like? What kind of resources are needed from the U.S. Government to enable this success?
- What kinds of strategic international engagements do you believe would be most effective in supporting U.S. providers of AI-enabled medical technologies and their competitiveness in overseas markets?
- What kinds of trade barriers are you seeing negatively affect U.S. competitiveness for AI-enabled medical technologies in overseas markets? Where do you encounter these barriers? How do you think the barriers can be reduced, removed, or prevented?
  - What are the implications of regulations/policies around health data in foreign markets for U.S. competitiveness in AI-enabled medical technologies that you're seeing in your work?

The event is closed to press and the public. Industry participation is limited to a maximum of 20 qualifying industry representatives.

Selection

To attend, participants should submit the below information to *HealthAI@trade.gov* by no later than 10/23/2024. ITA will evaluate registrations based on the submitted information (and based on the criteria below) on a rolling basis until a maximum of 20 participants have been selected and inform applicants of selection decisions.

Applicants are encouraged to send representatives at a sufficiently senior level to be knowledgeable about their company's capabilities, interests, and challenges in the global market of AI-enabled medical technologies. Due to time constraints, there is a limit of one person to speak on behalf of each company.

Applicants should include the following information in their response email:

- Name of attendee and short bio.
- Name of company and brief company description.
- A statement self-certifying how the company meets each of the following criteria:

1. It is not majority owned by a foreign government entity (or entities).

2. It is an existing provider or prospective new market entrant, of AI-enabled medical technologies that are or will be produced in the United States in one or more of the following segments: Machine learning, natural language processing, clinical, disease detection, medical imaging, personalized care, patient monitoring, robotics, or healthcare administration.

3. The representative will be able to attend the entire roundtable.

Selection will be based on the following criteria:

- The company's production or production plans with respect to AI-enabled medical technologies.
- The company's experience in exporting AI-enabled medical technologies from the United States to overseas markets.
- Suitability of the representative's position and biography to be able to engage in the conversation.
- Ability of the company to contribute to the roundtable's purpose of seeking individual input and views on policies and initiatives that strengthen U.S. industry competitiveness of U.S. exports.

Dated: August 20, 2024.

Amanda Lawrence,

Acting Director, Office of Health Industries, International Trade Administration.

[FR Doc. 2024–19040 Filed 8–26–24; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–953]

Narrow Woven Ribbons With Woven Selvedge From the People's Republic of China: Notice of Court Decision Not in Harmony With the Results of Countervailing Duty Administrative Review; Notice of Amended Final Results

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On August 13, 2024, the U.S. Court of International Trade (CIT) issued its final judgment in *Yama Ribbons and Bows Co., Ltd.* v. *United States,* Court No. 21–00402, sustaining the U.S. Department of Commerce's (Commerce) final results of redetermination pertaining to the administrative review of the countervailing duty order on narrow woven ribbons with woven selvedge (ribbons) from the People's Republic of China (China) covering the period January 1, 2018, through December 31, 2018. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final results of the administrative review, and that Commerce is amending the final results with respect to the countervailable subsidy rate assigned to Yama Ribbons and Bows Co. (Yama).

DATES: Applicable August 23, 2024.

FOR FURTHER INFORMATION CONTACT: Ajay K. Menon, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0208.

SUPPLEMENTARY INFORMATION:

Background

On July 28, 2021, Commerce published its final results of the 2018 countervailing duty administrative review of ribbons from China.[1] In the *Final Results,* Commerce assigned Yama an overall subsidy rate of 42.20 percent based, in part, on adverse facts available (AFA) for the Export Buyer's Credit Program (EBCP) and the provision of synthetic yarn and caustic soda for less than adequate remuneration (LTAR).

Yama appealed Commerce's *Final Results.* On August 25, 2023, the CIT remanded the *Final Results* to Commerce, directing Commerce to: (1) reconsider its determination on the EBCP; (2) supplement the record with the new subsidy allegation, which the petitioner filed in the 2015 administrative review of this proceeding and upon which Commerce relied in making its specificity determinations for the provision of synthetic yarn and caustic soda for LTAR programs; and (3) reconsider its determinations for the provision of the synthetic yarn and caustic soda for LTAR programs in their entirety.[2]

In its final remand redetermination, issued in October 2023, Commerce reconsidered its decision to apply AFA in evaluating use of the EBCP and determined, under respectful protest, that the EBCP was not used by Yama during the period of review (POR).[3] Commerce also further considered the supplemented administrative record regarding the provision of synthetic yarn and caustic soda for LTAR programs and continued to find that these programs were specific and that Yama benefited from them during the POR. Accordingly, Commerce calculated a revised subsidy rate for Yama of 31.66 percent.[4] The CIT sustained Commerce's final remand redetermination.[5]

Timken Notice

In its decision in *Timken,*[6] as clarified by *Diamond Sawblades,*[7] the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not ''in harmony'' with a Commerce determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's August 13, 2024, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Results.* Thus, this notice is published in fulfillment of the publication requirements of *Timken.*

Amended Final Results

Because there is now a final court judgment, Commerce is amending its *Final Results* with respect to Yama as follows:

Company	Subsidy rate (percent *ad valorem*)
Yama Ribbons and Bows Co., Ltd	31.66

Cash Deposit Requirements

Because Yama has a superseding cash deposit rate, *i.e.,* there have been final results published in a subsequent administrative review, we will not issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP). This notice will not affect the current cash deposit rate for Yama.

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that: were produced and/or exported by Yama; were the subject of Commerce's *Final Results*; and were entered, or withdrawn from warehouse, for consumption, during the period January 1, 2018, through December 31, 2018. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

In the event the CIT's ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess countervailing duties on unliquidated entries of subject merchandise produced and/or exported by Yama in accordance with 19 CFR 351.212(b). We will instruct CBP to assess countervailing duties on all appropriate entries covered by this review when the *ad valorem* rate is not zero or *de minimis.* Where an *ad valorem* subsidy rate is zero or *de minimis,*[8] we will instruct CBP to liquidate the appropriate entries without regard to countervailing duties.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: August 21, 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. 2024–19199 Filed 8–26–24; 8:45 am]

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[1] *See Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China: Final Results of Countervailing Duty Administrative Review; 2018,* 86 FR 40462 (July 28, 2021) (*Final Results*).

[2] *See Yama Ribbons and Bows Co., Ltd.* v. *United States,* 653 F. Supp. 3d 1314 (CIT 2023).

[3] *See Final Results of Redetermination Pursuant to Court Remand, Yama Ribbons and Bows Co., Ltd.* v. *United States,* Court No. 21–00402, Slip Op. 23–127 (CIT August 25, 2023), dated October 24, 2023, available at *https://access.trade.gov/public/FinalRemandRedetermination.aspx.*

[4] *Id.* at 21.

[5] *See Yama Ribbons and Bows Co., Ltd.,* v. *United States,* Court No. 21–00402, Slip Op. 24–92 (CIT August 13, 2024).

[6] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[7] *See Diamond Sawblades Manufacturers Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond* Sawblades).

[8] *See* 19 CFR 351.106(c)(2).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–104, C–570–105]

Alloy and Certain Carbon Steel Threaded Rod From the People's Republic of China; Carbon and Alloy Steel Threaded Rod From the People's Republic of China: Final Affirmative Determination of Circumvention of the Antidumping and Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that imports of unthreaded pins of alloy steel from the People's Republic of China (China) are circumventing the antidumping duty order on alloy and certain carbon steel threaded rod from China and the countervailing duty order on carbon and alloy steel threaded rod from China.

DATES: Applicable August 27, 2024.

FOR FURTHER INFORMATION CONTACT: Zachary Krivine, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3638.

SUPPLEMENTARY INFORMATION:

Background

On March 14, 2024, pursuant to section 781(e)(1)(A) of the Tariff Act of 1930, as amended (the Act), Commerce published the *Preliminary Determination* and invited interested parties to comment.[1] We notified the U.S. International Trade Commission (ITC) of our affirmative preliminary determination.[2] Commerce also informed the ITC of its ability under the Act to request consultations with Commerce regarding Commerce's proposed inclusion of inquiry merchandise within the scope of the *Orders* under the authority of section 781(a) of the Act.[3]

On March 29, 2024, Birmingham Fastener Inc./Houston Fastener Mfg. Inc. (Birmingham) and Dan Loc Group LLC (Dan Loc)[4] and Vulcan Threaded Products Inc. (the petitioner) filed case briefs.[5] On April 5, 2024, Birmingham and Dan Loc,[6] and the petitioner filed rebuttal briefs.[7] On May 31, 2024, Commerce held a public hearing in this matter.[8]

On July 22, 2024, Commerce tolled the deadline in these circumvention inquiries by seven days, extending the deadline for issuing the final determination to August 16, 2024.[9] On August 16, 2024, Commerce extended the deadline for issuing the final determination in these circumvention inquiries by an additional five days, until August 21, 2024.[10]

For a summary of events that occurred since the *Preliminary Determination,* as well as a full discussion of the issues raised by parties for consideration in the final determination, *see* the Issues and Decision Memorandum.[11] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Orders[12]

The merchandise covered by the scope of the *AD Order* is alloy and certain carbon steel threaded rod from China. The merchandise covered by the scope of the *CVD Order* is carbon and alloy steel threaded rod from China. For a full description of the scopes, *see* the *Preliminary Determination* PDM.

Merchandise Subject to the Circumvention Inquiry

These circumvention inquiries cover unthreaded pins of alloy steel exported from China which are further processed into alloy steel threaded rod in the United States. Unthreaded pins of alloy steel are unthreaded rod, bar, or studs, having a solid, circular cross section of any diameter, in any straight length, and are non-headed. Unthreaded pins may enter unchamfered or with their ends already chamfered. Such pins may also be referenced as ''pitch diameter stud blanks'' or ''blanks.'' Unthreaded pins of alloy steel are believed to enter under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7318.15.5051, 7318.15.5056, 7318.15.5090, 7228.60.8000, 7318.15.2095, 7318.19.0000, and 7318.29.0000, several of which also cover alloy steel threaded rod.

Methodology

Commerce conducted these circumvention inquiries in accordance with section 781(a) of the Act and 19 CFR 351.226. We have continued to apply the methodology relied upon for the *Preliminary Determination,* including our use of facts available with adverse inferences with respect to Ningbo Zhenghai Yongding Fastener Co., Ltd. (Yongding Fastener) and its affiliated trading company, Ningbo Ningding Import & Export Co. Ltd. (Ningding I&E),[13] pursuant to sections 776(a) and (b) of the Act, for our final determination. *See* the *Preliminary Determination* PDM for a full description of the methodology.[14]

Analysis of Comments Received

All issues raised in these inquiries are addressed in the Issues and Decision Memorandum. A list of the issues raised

[1] *See Alloy and Certain Carbon Steel Threaded Rod from the People's Republic of China; Carbon and Alloy Steel Threaded Rod from the People's Republic of China: Affirmative Preliminary Determination of Circumvention of the Antidumping and Countervailing Duty Orders,* 89 FR 18600 (March 14, 2024) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Commerce's Letter, ''Preliminary Affirmative Determinations of Circumvention,'' dated March 11, 2024.

[3] *Id.*

[4] *See* Birmingham and Dan Loc's Letter, ''Case Brief on Behalf of Birmingham Fastener, Inc., Houston Fastener, Inc. And Dan-Loc Group LLC,'' dated March 29, 2024.

[5] *See* Petitioner's Letter, ''Petitioner's Case Brief,'' dated March 29, 2024.

[6] *See* Birmingham and Dan Loc's Letter, ''Rebuttal Brief on Behalf of Birmingham Fastener, Inc., Houston Fastener, Inc. And Dan-Loc Group LLC,'' dated April 5, 2024.

[7] *See* Petitioner's Letter, ''Petitioner's Rebuttal Brief,'' dated April 5, 2024.

[8] *See* Hearing Transcript, ''In the Matter of: Circumvention Inquiries Regarding Antidumping Duty Order and Countervailing Duty Order on Carbon and Alloy Steel Threaded Rod from the People's Republic of China,'' dated May 31, 2024.

[9] *See* Memoranda, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated July 22, 2024; ''Extension of Deadline for Final Determination in Circumvention Inquiries,'' dated April 30, 2024; and ''Second Extension of Deadline for Final Determination in Circumvention Inquiries,'' dated June 28, 2024.

[10] *See* Memorandum, ''Additional Extension of Final Determination in Circumvention Inquiries,'' dated August 16, 2024.

[11] *See* Memorandum, ''Decision Memorandum for the Final Determination in the Circumvention Inquiries Regarding the Antidumping Duty Order on Alloy and Certain Carbon Steel Threaded Rod from the People's Republic of China and the Countervailing Duty Order on Carbon and Alloy Steel Threaded Rod from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[12] *See Alloy and Certain Carbon Steel Threaded Rod from the People's Republic of China: Antidumping Duty Order,* 85 FR 19929 (April 9, 2020) (*AD Order*); and *Carbon and Alloy Steel Threaded Rod from India and the People's Republic of China: Countervailing Duty Orders,* 85 FR 19927 (April 9, 2020) (*CVD Order*) (collectively, *Orders*).

[13] Yongding Fastener exports through Ningding I&E. As in the *Preliminary Determination,* as adverse facts available, we are treating Yongding Fastener and Ningding I&E, its affiliated trading company, as a single entity.

[14] *See Preliminary Determination* PDM at 4–30.

is attached to this notice in Appendix I. Based on our analysis of the comments received from interested parties, we made no changes to the *Preliminary Determination.*

Final Circumvention Determination

As detailed in the Issues and Decision Memorandum, Commerce determines, pursuant to section 781(a) of the Act, that imports of unthreaded pins of alloy steel from China that are further processed in the United States into subject merchandise are circumventing the *Orders.* We are applying our decision on a country-wide basis. *See* the ''Suspension of Liquidation and Cash Deposit Requirements'' section, below, for details regarding suspension of liquidation and cash deposit requirements.

Certification Requirements

To administer this final affirmative circumvention determination, Commerce is requiring that importers of unthreaded pins of alloy steel from China which will not be threaded into subject merchandise certify that such pins will not be further processed into subject alloy steel threaded rod. Importers will be required to submit a copy of the importer certification as part of the entry summary by uploading them into the document imaging system (DIS) in ACE, and to provide U.S. Customs and Border Protection (CBP) and/or Commerce with the importer certification, and any supporting documentation, upon request of either agency.[15] Properly certified entries are not subject to antidumping and/or countervailing duties under the *Orders.* Exemption from antidumping and/or countervailing duties under the *Orders* is permitted only if the certification and documentation requirements specified in Appendices II and III are met.

Entries of unthreaded pins of alloy steel produced and/or exported by Yongding Fastener or Ningding I&E are not eligible for certification.

Suspension of Liquidation and Cash Deposit Requirements

In accordance with 19 CFR 351.226(l)(3), we will direct CBP to continue the suspension of liquidation of previously suspended entries and to suspend liquidation of all entries of unthreaded pins of alloy steel from China that are entered, or withdrawn from warehouse, for consumption on or after July 12, 2023 (*i.e.,* the date of publication of the *Initiation Notice*).[16] Pursuant to 19 CFR 351.226(l)(3), we will also instruct CBP to require antidumping and countervailing duty cash deposits for unthreaded pins of alloy steel from China for each unliquidated entry of unthreaded pins of alloy steel from China that have been entered, or withdrawn from warehouse, for consumption on or after July 12, 2023.

For entries of unthreaded pins of alloy steel for which the exporter has a company-specific cash deposit rate under the *AD Order,* the cash deposit rate will be the company-specific antidumping duty cash deposit rate established for that company in the most recently-completed segment of the proceeding. For all Chinese exporters of unthreaded pins of alloy steel that do not have a company-specific cash deposit rate under the *AD Order,* the antidumping duty cash deposit rate will be the cash deposit rate for the China-wide entity (*i.e.,* 48.91 percent);[17] for all non-Chinese exporters of unthreaded pins of alloy steel which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter.

For entries of unthreaded pins of alloy steel for which the producer and/or exporter has a company-specific cash deposit rate under the *CVD Order,* the cash deposit rate will be the company-specific CVD cash deposit rate established for that company in the most recently-completed segment of the proceeding. For all Chinese producers and/or exporters of unthreaded pins of alloy steel that do not have a company-specific cash deposit rate under *CVD Order,* the CVD cash deposit rate will be the all-others rate (*i.e.,* 41.17 percent).[18]

These suspension of liquidation instructions and cash deposit requirements will remain in effect until further notice.

Opportunity To Request an Administrative Review

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Act, may request, in accordance with 19 CFR 351.213, that Commerce conduct an administrative review of that antidumping or countervailing order, finding, or suspended investigation. Interested parties who wish to request that Commerce conduct an administrative review should wait until Commerce announces via the **Federal Register** the next window during the anniversary month of the publication of the antidumping or countervailing duty order to submit such requests. The anniversary month for these *Orders* is April.

Administrative Protective Order

This notice will serve as the only reminder to all parties subject to an administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination is issued and published in accordance with section 781(a) of the Act and 19 CFR 351.226(g)(2).

Dated: August 20, 2024.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

Appendix II

Certification Requirements

Importers are required to complete and maintain the applicable importer certification and retain all supporting documentation for the certification. With the exception of the entries described below, the importer

[15] The importer certification is provided at Appendix III.

[16] *See generally Alloy and Certain Carbon Steel Threaded Rod from the People's Republic of China; Carbon and Alloy Steel Threaded Rod from the People's Republic of China: Initiation of Circumvention Inquiries on the Antidumping Duty Order and Countervailing Duty Order,* 88 FR 44277 (July 12, 2023) (*Initiation Notice*).

[17] *See AD Order.*

[18] *See CVD Order.*

certification must be completed, signed, and dated by the time the entry summary is filed for the relevant entry. The importer, or the importer's agent, must transmit the importer's certification to CBP as part of the entry process by uploading it into the document imaging system (DIS) in ACE. Where the importer uses a broker to facilitate the entry process, it should obtain the entry summary number from the broker. Agents of the importer, such as brokers, however, are not permitted to certify on behalf of the importer.

Additionally, the claims made in certifications and any supporting documentation are subject to verification by Commerce and/or CBP. Importers are required to maintain certifications and supporting documentation until the later of: (1) the date that is five years after the latest entry date of the entries covered by the certification; or (2) the date that is three years after the conclusion of any litigation in United States courts regarding such entries.

For all unthreaded pins of alloy steel from China that were entered, or withdrawn from warehouse, for consumption during the period July 12, 2023 (*i.e.,* the date of publication of the *Initiation Notice*), through March 14, 2024, the date of publication of the preliminary determination in the **Federal Register**, where the entry has not been liquidated (and for entries for which liquidation has not become final), the relevant certification should already be complete and signed.

For unliquidated entries (and entries for which liquidation has not become final) of unthreaded pins of alloy steel from China that were declared as non-antidumping duty/countervailing duty type entries (*e.g.,* type 01) and entered, or withdrawn from warehouse, for consumption in the United States during the period July 12, 2023 (*i.e.,* the date of publication of the *Initiation Notice*) through March 14, 2024, the date of publication of the preliminary determination in the **Federal Register**, for which no importer certification may be made, importers must file a Post Summary Correction with CBP, in accordance with CBP's regulations, regarding conversion of such entries from non- antidumping duty/countervailing duty type entries to antidumping duty/countervailing duty type entries (*e.g.,* type 01 to type 03). The importer should pay cash deposits on those entries consistent with the regulations governing post summary corrections that require payment of additional duties, including antidumping duty/countervailing duties.

If it is determined that an importer has not met the certification and/or related documentation requirements for certain entries, Commerce intends to instruct CBP to suspend, pursuant to this final affirmative country-wide determination of circumvention and the *Orders,* all unliquidated entries for which these requirements were not met and to require the importer to post applicable antidumping and countervailing duty cash deposits.

Appendix III

Importer Certification

I hereby certify that:

(A) My name is {IMPORTING COMPANY OFFICIAL'S NAME} and I am an official of {NAME OF IMPORTING COMPANY}, located at {ADDRESS OF IMPORTING COMPANY}.

(B) I have direct personal knowledge of the facts regarding the importation into the Customs territory of the United States of unthreaded pins of alloy steel produced in China that entered under the entry summary number(s), identified below, and which are covered by this certification. Unthreaded pins of alloy steel are unthreaded rod, bar, or studs, having a solid, circular cross section of any diameter, in any length, and are non-headed. Unthreaded pins may enter unchamfered or with their ends already chamfered. Such pins may also be referenced as ''pitch diameter stud blanks'' or ''blanks.''

''Direct personal knowledge'' refers to facts the certifying party is expected to have in its own records. For example, the importer should have direct personal knowledge of the importation of the product (*e.g.,* the name of the exporter and producer) in its records.

(C) If the importer is acting on behalf of the first U.S. customer, include the following sentence as paragraph C of this certification:

The unthreaded pins of alloy steel covered by this certification were imported by {IMPORTING COMPANY} on behalf of {U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER}.

If the importer is not acting on behalf of the first U.S. customer, include the following sentence as paragraph C of this certification:

{NAME OF IMPORTING COMPANY} is not acting on behalf of the first U.S. customer.

(D) The imported unthreaded pins of alloy steel covered by this certification were shipped to {NAME OF PARTY TO WHOM MERCHANDISE WAS FIRST SHIPPED IN THE UNITED STATES}, located at {ADDRESS OF SHIPMENT}.

(E) Select appropriate statement below:

__ I have direct personal knowledge of the facts regarding the end use of the imported product because my company is the end user of the imported product covered by this certification and I certify that the unthreaded pins of alloy steel will not be used to produce subject merchandise. ''Direct personal knowledge'' includes information contained within my company's books and records.

__ My company is not the end user of the imported product covered by this certification. However, I have personal knowledge of the facts regarding the end use of the imported products covered by this certification. I have been able to contact the end user of the imported product and confirm that it will not use this product to produce subject merchandise. The end user of the imported product is {COMPANY NAME} located at {ADDRESS}. ''Personal knowledge'' includes facts obtained from another party (*e.g.,* correspondence received by the importer from the end user of the product).

(F) The imported unthreaded pins of alloy steel from China covered by this certification were not produced and/or exported by either Ningbo Zhenghai Yongding Fastener Co., Ltd. or Ningbo Ningding Import & Export Co. Ltd.

(G) This certification applies to the following entries (repeat this block as many times as necessary):

Entry Summary #:
Entry Summary Line Item #:
Foreign Seller:
Foreign Seller's Address:
Foreign Seller's Invoice #:
Foreign Seller's Invoice Line Item #:
Producer:
Producer's Address:

(H) I understand that {NAME OF IMPORTING COMPANY} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.,* documents maintained in the normal course of business, or documents obtained by the certifying party, for example, mill certificates, production records, invoices, *etc.*) for the later of: (1) a period of five years from the date of entry; or (2) a period of three years after the conclusion of any litigation in the United States courts regarding such entries.

(I) I understand that {IMPORTING COMPANY} is required to submit a copy of the importer certification as part of the entry summary by uploading it into the document imaging system (DIS) in ACE, and to provide U.S. Customs and Border Protection (CBP) and/or the U.S. Department of Commerce (Commerce) with the importer certification, and any supporting documentation, upon request of either agency.

(J) I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce.

(K) I understand that failure to maintain the required certifications, and/or failure to substantiate the claims made herein, and/or failure to allow CBP and/or Commerce to verify the claims made herein, may result in a *de facto* determination that all entries to which this certification applies are within the scope of the antidumping/countervailing duty orders on steel threaded rod from China. I understand that such finding will result in:

(i) suspension of liquidation of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met;

(ii) the requirement that the importer post applicable antidumping duty and/or countervailing duty cash deposits (as appropriate) equal to the rates determined by Commerce; and

(iii) the importer no longer being allowed to participate in the certification process.

(L) I understand that agents of the importer, such as brokers, are not permitted to make this certification. Where a broker or other party was used to facilitate the entry process, {NAME OF IMPORTING COMPANY} obtained the entry summary number and date of entry summary from that party.

(M) This certification was completed and signed on, or prior to, the date of the entry summary if the entry date is more than 14 days after the date of publication of the notice of Commerce's preliminary determination of circumvention in the **Federal Register**. If the entry date is on or before the 14th day after the date of publication of the notice of Commerce's

preliminary determination of circumvention in the **Federal Register**, this certification was completed and signed by no later than 45 days after publication of the notice of Commerce's preliminary determination of circumvention in the **Federal Register**.

(N) I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

Signature
{NAME OF COMPANY OFFICIAL}
{TITLE}
{DATE}

[FR Doc. 2024–19200 Filed 8–26–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Minority Business Development Agency

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; MBDA National Minority Enterprise Awards Program Requirements

AGENCY: Minority Business Development Agency (MBDA), 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 October 28, 2024.

ADDRESSES: Interested persons are invited to submit written comments by mail to Wanda D. Blackwell, MBDA PRA Coordinator, 1401 Constitution Avenue NW, or by email to *PRAcomments@doc.gov.* Please reference OMB Control Number 0640–0025 in the subject line of your comments. 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 Antavia Grimsley, Management Analyst, MBDA, Room 5063, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–7458, or *AGrimsley1@mbda.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Minority Business Development Agency (MBDA) is the only federal agency created exclusively to foster the growth and global competitiveness of minority-owned businesses in the United States. MBDA provides management and technical assistance to large, medium, and small minority business enterprises through a network of business centers throughout the United States.

II. Method of Collection

Methods of collection include online, email, and mail.

III. Data

Agency: Minority Business Development Agency.

Title: National Minority Business Awards.

OMB Control Number: 0640–0025.

Form Number(s): None.

Type of Request: Revision of information collection.

Number of Respondents: 250.

Average Hours per Response: 1 hour.

Burden Hours: 250.

IV. Request for Comments

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. 2024–19251 Filed 8–26–24; 8:45 am]

BILLING CODE 3510–21–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE215]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a meeting of its Herring Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, September 12, 2024, at 1:30 p.m.

ADDRESSES:

Meeting address: This meeting will be held at the Four Points by Sheraton, One Audubon Road, Wakefield, MA 01880; telephone: (781) 245–9300.

Webinar registration URL information: https://nefmc-org.zoom.us/meeting/register/tJUkcOqppzkvE9x4YDMdirkPFTbBhoF1MQs5.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Herring Committee will meet to review recommendations from the Atlantic Herring Plan Development Team, ASMFC's Technical Committee and Atlantic Herring Advisory Panel. They will review draft Atlantic herring specifications and river herring and shad catch caps for fishing years 2025–2027 and recommend preferred alternatives to the Council. In response to the results of the 2024 management track stock assessment and to meet conservation and management objectives for Atlantic herring, possibly continue discussion on whether to recommend to the Council additional management measures, including the possibility of initiating a framework adjustment or considering in-season adjustments for 2024 and 2025 catch limits, along with any other recommendations as appropriate. The

Committee will make recommendations to the Council, as appropriate, and discuss other business, as necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: August 22, 2024.

Rey Israel Marquez,

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

[FR Doc. 2024–19225 Filed 8–26–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Individual Fishing Quotas for Pacific Halibut and Sablefish in the Alaska Fisheries

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on April 5, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration, Commerce.

Title: Individual Fishing Quotas for Pacific Halibut and Sablefish in the Alaska Fisheries.

OMB Control Number: 0648–0272.

Form Number(s): None.

Type of Request: Regular submission (extension and revision of a current information collection).

Number of Respondents: 3,442.

Average Hours per Response: Application for IFQ/CDQ Hired Master Permit, 1 hour; Application for IFQ/CDQ Registered Buyer Permit, 30 minutes; Application for Replacement of Certificates or Permits, 30 minutes; Application for Eligibility to Receive QS/IFQ by Transfer, 2 hours; QS Holder: Identification of Ownership Interest, 2 hours; Application for Transfer of QS, 2 hours; Application for Transfer of QS/IFQ by Self Sweep Up, 2 hours; Application for Medical Transfer of IFQ, 1.5 hours; Application for Temporary Transfer of Halibut/Sablefish IFQ, 2 hours; (emergency) Application for Temporary Transfer of Halibut/Sablefish IFQ, 2 hours; Annual Report for CDQ IFQ Transfers, 40 hours; QS/IFQ Beneficiary Designation Form, 30 minutes; Appeals, 4 hours; IFQ Administrative Waiver, 6 minutes; Prior Notice of Landing, 15 minutes; IFQ Departure Report, 15 minutes; Transshipment Authorization, 12 minutes; Dockside sales, 6 minutes; Application for a Non-profit Corporation to be Designated as a Recreational Quota Entity, 200 hours; Application for Transfer of Quota Share To or From a Recreational Quota Entity, 2 hours; Recreational Quota Entity Annual Report, 40 hours; NOAA Fisheries Alaska Region eFISH On-line Services User Authorization Form, 30 minutes.

Total Annual Burden Hours: 11,239.

Needs and Uses: The National Marine Fisheries Service (NMFS), Alaska Regional Office, is requesting renewal and revision of this currently approved information collection that contains requirements for the Pacific Halibut and Sablefish Individual Fishing Quota Program (IFQ Program). Minor editorial changes were made to the forms to improve clarity and consistency. The Application for IFQ/CDQ Hired Master Permit was revised to remove an unnecessary checkbox. Four transfer applications were revised to collect information on fees paid, which is required by regulations, to remove the need to submit a copy of the permit, and to no longer require a separate form for each transfer. The revisions do not change the burden hours or costs of these forms. The NOAA Fisheries Alaska Region eFISH On-line Services User Authorization Form, which had been inadvertently omitted from this collection, has been added and does not significantly increase the burden or cost for this information collection.

This information collection for the IFQ Program is required to manage commercial halibut and sablefish fishing under the Magnuson-Stevens Act, the Halibut Act, and under 50 CFR parts 300 and 679. Commercial halibut and sablefish fisheries in the Gulf of Alaska and Bering Sea and Aleutian Islands are managed primarily under the IFQ Program. The IFQ Program is managed under the authority of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773c; Halibut Act), with respect to Pacific halibut, and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.;* Magnuson-Stevens Act), with respect to sablefish. Regulations implementing the IFQ Program are set forth at 50 CFR part 679. A key objective of the IFQ Program is to support the social and economic character of the fisheries and coastal fishing communities where many of these fisheries are based. Participation in the IFQ Program is limited to persons that hold quota share (QS), although there are several very limited provisions for ''leasing'' of annual IFQ. QS is a transferable permit that was initially issued to persons who owned or leased vessels that made legal commercial fixed-gear landings of Pacific halibut or sablefish in the waters off Alaska from 1988 through 1990. NMFS annually issues eligible QS holders an IFQ fishing permit that authorizes participation in the IFQ fisheries. Those to whom IFQ permits are issued may harvest their annual allocation at any time during the eight plus-month IFQ halibut and sablefish seasons.

More information on the IFQ Program is provided on the NMFS Alaska Region website at *https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/pacific-halibut-and-sablefish-individual-fishing-quota-ifq-program.*

Some of the collection instruments in this information collection are used by participants in the Western Alaska Community Development Quota (CDQ) Program. The purpose of the CDQ Program is to provide eligible western Alaska villages with the opportunity to participate and invest in fisheries in the Bering Sea and Aleutian Islands Management Area (BSAI); to support economic development in western Alaska; to alleviate poverty and provide

economic and social benefits for residents of western Alaska; and to achieve sustainable and diversified local economies in western Alaska. In fitting with these goals, NMFS allocates a portion of the annual catch limits for a variety of commercially valuable marine species in the BSAI to the CDQ Program. Pacific halibut is one of these species. More information on the CDQ Program is provided on the NMFS Alaska Region website at *https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/community-development-quota-cdq-program.* Information collection requirements for the CDQ Program are also approved under OMB Control Number 0648–0269.

This information collection contains the forms used by participants in the IFQ Program to apply for, renew, or replace permits; transfer or lease IFQ and QS; determine compliance with IFQ program requirements; and designate a beneficiary for a QS holder. Two of the permit applications are also used by participants in the CDQ Program. This information collection also contains annual reports and other collections submitted by telephone or other methods and that do not have forms.

The type of information collected includes information on the applicants, transferors, transferees, permits, IFQ or QS types and owners, beneficiaries, vessels, business operations, medical declarations, landings, gear types, products, and harvests and harvest areas.

This information is used to identify and authorize participants in the halibut and sablefish fisheries, to track and transfer quota share, to limit transfers to authorized participants, and to monitor quota share balances and harvest in these fisheries.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions.

Frequency: Varies upon situation and documents requirements.

Respondent's Obligation: Based on completed form the following obligation may occur: Voluntary, Required to Obtain or Retain Benefits, and Mandatory.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.;* Northern Pacific Halibut Act of 1982, 16 U.S.C. 773c.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0272.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024–19307 Filed 8–26–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE243]

Fisheries of the Gulf of Mexico and the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 79 Review Workshop for Gulf of Mexico and South Atlantic Mutton Snapper.

SUMMARY: The SEDAR 79 assessment process of Gulf of Mexico and South Atlantic mutton snapper will consist of a Data Workshop, and a series of assessment webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 79 Mutton Snapper Review Workshop will be held from 8:30 a.m. on September 10, 2024, until 6 p.m. on September 12, 2024. The meeting will be live streamed. Individuals may register by going to the SEDAR website: *www.sedarweb.org.* The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

ADDRESSES:

Meeting address: The SEDAR 79 Review Workshop will be held at the Courtyard by Marriott—St Petersburg, 300 4th Street North, St Petersburg, FL 33701.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366; email: *Julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data/Assessment Workshop, and (2) a series of webinars. The product of the Data/Assessment Workshop is a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses, and describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Review Workshop are as follows:

Participants will evaluate the data and assessment reports, as specified in the Terms of Reference, to determine if they are scientifically sound.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office

(see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: August 22, 2024.

Rey Israel Marquez,

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

[FR Doc. 2024–19227 Filed 8–26–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE220]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Construction of a Liquefied Natural Gas Terminal, Texas

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

ACTION: Notice; issuance of incidental harassment authorization.

SUMMARY: NMFS has received a request from Rio Grande LNG, LLC, (Rio Grande) for the reissuance of a previously issued incidental harassment authorization (IHA) with the only change being effective dates. The initial IHA authorized take of three species of marine mammals incidental to activities associated with the construction of a Liquefied Natural Gas (LNG) terminal in the Brownsville Ship Channel (BSC), Cameron County, Texas. The project has been delayed and none of the work covered in the initial IHA has been conducted. The initial IHA was effective from July 1, 2020, through June 31, 2021. Rio Grande has requested reissuance with new effective dates of January 15, 2025, through January 14, 2026. The scope of the activities and anticipated effects remain the same, authorized take numbers are not changed, and the required mitigation, monitoring, and reporting remains the same as included in the initial IHA. NMFS is, therefore, issuing an identical IHA to cover the incidental take analyzed and authorized in the initial IHA.

DATES: This authorization is effective from January 15, 2025, through January 14, 2026.

ADDRESSES: An electronic copy of the final 2020 IHA previously issued to Rio Grande, Rio Grande's application, and the **Federal Register** notices proposing and issuing the initial IHA may be obtained by visiting *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable.* In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Rob Pauline, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined ''negligible impact'' in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term ''take'' means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Summary of Request

On June 29, 2020, NMFS published final notice of our issuance of an IHA authorizing take of marine mammals incidental to construction of an LNG terminal in the BSC, Texas (85 FR 40250, July 6, 2020). The effective dates of that IHA were July 1, 2020, through June 31, 2021. On July 12, 2024, Rio Grande informed NMFS that the project had been delayed. None of the work identified in the initial IHA (*e.g.,* pile driving) has occurred. Rio Grande submitted a request for NMFS to reissue an identical IHA that would be effective from January 15, 2025, through January 14, 2026 in order to conduct the construction work that was analyzed and authorized through the previously issued IHA.

Summary of Specified Activity and Anticipated Impacts

The planned activities (including mitigation, monitoring, and reporting), authorized incidental take, and anticipated impacts on the affected stocks are the same as those analyzed and authorized through the previously issued IHA.

Rio Grande plans to construct a natural gas liquefaction facility and LNG export terminal in Cameron County, Texas, along the north embankment of the BSC. The purpose of the project is to develop, own, operate, and maintain a natural gas pipeline system to access natural gas from the Agua Dulce Hub and an LNG export facility in south Texas to export 24.5 million metric tons (27 million U.S. tons) per annum of natural gas that provides an additional source of firm, long-term, and competitively priced LNG to the global market. The location, timing, and nature of the activities, including the types of equipment planned for use, are identical to those described in the initial IHA. The only exception is that Rio Grande is no longer installing two 48-inch-diameter steel piles in water, but instead will install them in dry land. The mitigation and monitoring are also as prescribed in the initial IHA.

Species that are expected to be taken by the planned activity include bottlenose dolphin (*Tursiops truncatus*), Atlantic spotted dolphin (*Stenella frontalis*), and rough-toothed dolphin (*Steno bredanensis*). A description of the methods and inputs used to estimate take anticipated to occur and, ultimately, the take that was authorized is found in the previous documents referenced above. The data inputs and methods of estimating take are identical to those used in the initial IHA. NMFS has reviewed recent Stock Assessment

Reports, information on relevant Unusual Mortality Events, and recent scientific literature. While estimated populations of the Atlantic spotted dolphin, bottlenose dolphin (Western coastal and Northern Gulf of Mexico stocks), and rough-toothed dolphin (Northern Gulf of Mexico stock) have been updated since the issuance of the initial IHA, NMFS determined that no new information affects our original analysis of impacts or take estimate under the initial IHA.

We refer to the documents related to the previously issued IHA, which include the **Federal Register** notice of the issuance of the initial 2020 IHA for Rio Grande's construction work (85 FR 40250, July 6, 2020), Rio Grande's application, the **Federal Register** notice of the proposed IHA (85 FR 27365, May 8, 2020), and all associated references and documents.

Determinations

Rio Grande will conduct activities as analyzed in the initial 2020 IHA. As described above, the number of authorized takes of the same species and stocks of marine mammals are identical to the numbers that were found to meet the negligible impact small numbers standards and authorized under the initial IHA and no new information has emerged that would change those findings. The reissued 2025 IHA includes identical required mitigation, monitoring, and reporting measures as the initial IHA, and there is no new information suggesting that our analysis or findings should change.

Based on the information contained here and in the referenced documents, NMFS has determined the following: (1) the required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; and (4) Rio Grande's activities will not have an unmitigable adverse impact on taking for subsistence purposes.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order 216–6A, NMFS must review our proposed action with respect to environmental consequences on the human environment.

Accordingly, NMFS determined that the issuance of the initial IHA qualified to be categorically excluded from further NEPA review. NMFS has determined that the application of this categorical exclusion remains appropriate for this reissued IHA.

Endangered Species Act (ESA)

Incidental take of ESA-listed species from the specified activities is not expected or authorized. Therefore, NMFS determined that formal consultation under section 7 of the ESA is not required for this action.

Authorization

NMFS has issued an IHA to Rio Grande for in-water construction activities associated with the specified activity from January 15, 2025, through January 14, 2026. All previously described mitigation, monitoring, and reporting requirements from the initial 2020 IHA are incorporated.

Dated: August 21, 2024.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024–19186 Filed 8–26–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE216]

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold meetings of the following: Southeast Data, Assessment, and Review (SEDAR) Committee, Habitat and Ecosystem Committee, and Snapper Grouper Committee. The meeting week will also include a formal public comment session and meetings of the Full Council.

DATES: The Council meeting will be held from 10 a.m. on Monday, September 16, 2024, until 12 p.m. on Friday, September 20, 2024.

ADDRESSES:

Meeting address: The meeting will be held at the Town & Country Inn and Suites, 2008 Savannah Highway, Charleston, SC 29407; phone: (843) 571–1000. The meeting will also be available via webinar. See **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 302–8440 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: Meeting information, including agendas, overviews, and briefing book materials will be posted on the Council's website at: *https://safmc.net/council-meetings/.* Webinar registration links for the meeting will also be available from the Council's website.

Public comment: Public comment on agenda items may be submitted through the Council's online comment form available from the Council's website at: *https://safmc.net/events/september-2024-council-meeting/.* Written comments will be accepted from August 30, 2024 until September 10, 2024. These comments are accessible to the public, part of the Administrative Record of the meeting, and immediately available for Council consideration. A formal public comment session will also be held during the Council meeting.

The items of discussion in the individual meeting agendas are as follows:

Council Session I, Monday, September 16, 2024, 10 a.m. Until 12 p.m. (CLOSED SESSION)

The Council will meet in closed session to receive a litigation brief if needed, address appointments to advisory panels, the Council's Citizen Science Operations Committee and discuss restructuring the Shrimp Advisory Panels (APs).

Council Session I, Monday, September 16, 2024, 1:30 p.m. Until 5 p.m. and Tuesday, September 17, 2024, 8:30 a.m. Until 3 p.m.

Newly appointed Council members will be sworn in and the Law Enforcement Officer of the Year Award will be presented. The Council will receive reports from NOAA Office of Law Enforcement, the U.S. Coast Guard, Council liaisons, and state agencies. The Council will receive staff reports, an update on the Hudson Canyon National Marine Sanctuary, discuss restructuring the Shrimp APs, and hear a report from its Scientific and Statistical Committee (SSC) on items not covered during committee meetings.

The Council will also receive agency reports from NOAA Fisheries, an update on the Western Central Atlantic Fisheries Commission (WECAFC) Flyingfish and Dolphinfish Workgroup meeting, discuss the Southeast For-Hire Integrated Electronic Reporting (SEFHIER) Program Improvement Amendment, receive an update on the

East Coast Climate Change Scenario Planning Initiative, and review allocations for species that meet the time-based criteria in the Council's Allocation Review Trigger Policy.

SEDAR Committee, Tuesday, September 17, 2024, 3 p.m. Until 5 p.m.

The Committee will receive a report from the SEDAR Steering Committee, discuss changes to the SEDAR process and identify key stocks, and review species selected for 2026 assessments.

Habitat and Ecosystem Committee, Wednesday, September 18, 2024, 8:30 a.m. Until 10 a.m.

The Committee will discuss Coral Amendment 10 addressing a fishery access area and consider resubmission to the Secretary of Commerce.

Snapper Grouper Committee, Wednesday, September 18, 2024, 10 a.m. Until 3:45 p.m., and Thursday, September 19, 2024, 8:30 a.m. Until 12 p.m.

The Committee will receive an update on Exempted Fishing Permits for red snapper and receive an update on the status of amendments under review from NOAA Fisheries. The Committee will consider public hearing input on Snapper Grouper Regulatory Amendment 36 addressing ropeless gear in the Black Sea Bass pot fishery and vessel limits for Gag and Black Grouper, modify the amendment as necessary, and consider recommending the amendment for Secretarial approval. The Committee will consider public hearing input on Amendment 55 addressing management measures for Scamp and Yellowmouth Grouper, modify the amendment if necessary, and consider recommending the amendment for Secretarial review. The Committee will also continue to discuss management measures for Black Sea Bass through Snapper Grouper Amendment 56 and provide input to staff for topics for the fall 2024 meeting of the Snapper Grouper AP.

Wednesday, September 18, 2024, 4 p.m.—Public comment will be accepted from individuals attending the meeting in person and via webinar on all items on the Council meeting agenda. The Council Chair will determine the amount of time provided to each commenter based on the number of individuals wishing to comment.

Council Session II, Thursday, September 19, 2024, 1:30 p.m. Until 5 p.m. and Friday, September 20, 2024, 8:30 a.m. Until 12 p.m.

The Council will receive a litigation brief if needed and elect a Council Chair and Vice Chair.

The Council will receive updates on the Florida Keys National Marine Sanctuary activities and the Marine Recreational Information Program (MRIP) Re-Visioning. The Council will receive Committee reports, review the Council Workplan and upcoming meetings, and discuss any other business as needed.

Documents regarding these issues are available from the Council office (see **ADDRESSES**).

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: August 22, 2024.

Rey Israel Marquez,

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

[FR Doc. 2024–19226 Filed 8–26–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE214]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a meeting of its Herring Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, September 12, 2024, at 8:30 a.m.

ADDRESSES:

Meeting address: This meeting will be held at the Four Points by Sheraton, One Audubon Road, Wakefield, MA 01880; telephone: (781) 245–9300.

Webinar registration URL information: https://nefmc-org.zoom.us/meeting/register/tJwsfuquqjkiH9dIQ1jpkU2pgrsfVn91VAr1.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Herring Advisory Panel will meet to review draft Atlantic herring specifications and river herring and shad catch caps for fishing years 2025–2027 and recommend preferred alternatives. In response to the results of the 2024 management track stock assessment and to meet conservation and management objectives for Atlantic herring, possibly continue discussion on whether to recommend additional management measures to the Committee, including the possibility of initiating a framework adjustment or considering in-season adjustments for 2024 and 2025 catch limits, along with any other recommendations as appropriate. The Panel will make recommendations to the Atlantic Herring Committee, as appropriate, and discuss other business, as necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy

of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: August 22, 2024.

Rey Israel Marquez,

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

[FR Doc. 2024–19224 Filed 8–26–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE143]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Invenergy Wind Offshore, LLC's Marine Site Characterization Surveys in the New York Bight

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

ACTION: Notice; issuance of renewal incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to Invenergy Wind Offshore, LLC (IWO) for the renewal of their 2023 IHA to take marine mammals incidental to marine site characterization surveys in waters off of New Jersey and New York in the New York Bight.

DATES: This authorization is effective from August 21, 2024 through July 30, 2025.

ADDRESSES: Electronic copies of the initial IHA application, Renewal IHA request, Renewal IHA, and supporting documents, including **Federal Register** notices of the initial proposed and final authorizations, the initial IHA, and the proposed IHA Renewal, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.* In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Austin Demarest, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are promulgated or, if the taking is limited to harassment, an incidental harassment authorization is issued.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as ''mitigation measures''). NMFS must also prescribe requirements pertaining to monitoring and reporting of such takings. The definition of key terms such as ''take,'' ''harassment,'' and ''negligible impact'' can be found in the MMPA and NMFS's implementing regulations (see 16 U.S.C. 1362; 50 CFR 216.103).

NMFS' regulations implementing the MMPA at 50 CFR 216.107(e) indicate that IHAs may be renewed for additional periods of time not to exceed one year for each reauthorization. In the notice of proposed IHA for the initial IHA, NMFS described the circumstances under which we would consider issuing a renewal for this activity and requested public comment on a potential renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a one-time 1-year renewal of an IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities as described in the Detailed Description of Specified Activities section of the initial IHA issuance notice is planned or (2) the activities as described in the Description of the Specified Activities and Anticipated Impacts section of the initial IHA issuance notice would not be completed by the time the initial IHA expires and a renewal would allow for completion of the activities beyond that described in the **DATES** section of the notice of issuance of the initial IHA, provided all of the following conditions are met:

1. A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA);

2. The request for renewal must include the following: (a) An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take); and

(b) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized; and

4. Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

An additional public comment period of 15 days (for a total of 45 days), with direct notice by email, phone, or postal service to commenters on the initial IHA, is provided to allow for any additional comments on the proposed renewal. A description of the renewal process may be found on our website at: *http://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals.*

History of Request

On July 19, 2023, NMFS issued the 2023 IHA (hereinafter, the 2023 IHA is referred to as the ''initial IHA'' and the 2024 IHA is referred to as the ''Renewal IHA'') to IWO to take small numbers of marine mammals incidental to site characterization surveys off the coast of New York and New Jersey in the New

York Bight (88 FR 47846, July 25, 2023), effective from July 31, 2023 through July 30, 2024. On May 3, 2024, NMFS received a request for the renewal of the initial IHA, which was deemed adequate and complete on May 24, 2024. As described in the application for renewal IHA, the specified activities for which incidental take is requested are identical to those included in the initial authorization. As required, IWO provided a preliminary monitoring report, which shows that it has implemented the required mitigation and monitoring measures and no impacts of a scale or nature not previously analyzed or authorized have occurred as a result of the activities conducted. The notice of the proposed renewal incidental harassment authorization was published for public comment on July 17, 2024 (89 FR 58124).

Description of the Specified Activity and Anticipated Impacts

IWO plans to conduct an additional year of marine site characterization surveys, including high-resolution geophysical (HRG) surveys, in waters off the coast of New Jersey and New York in the New York Bight, specifically within the Bureau of Ocean Energy Management (BOEM) Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS) Lease Area OCS–A 0542 and the associated Export Cable Route (ECR) Area. Hereafter, both the areas are referred to as the Survey Area.

The purpose of IWO's proposed surveys is to provide sufficient data to meet BOEM guidelines and support the development of offshore wind facilities in the Survey Area. Specifically, data collected would support site characterization, siting, and engineering design of offshore wind facilities including turbine generators, offshore substations, submarine cables and data necessary for project review requirements. IWO will have a maximum of three vessels surveying concurrently. Underwater sounds produced from sparkers and boomers during IWO's surveys has the potential to result in Level B harassment of 15 species (comprising 16 stocks) of marine mammals. The specified activities that may result in take of marine mammals are identical in scope, effort, potential harassment to marine mammals, and mitigation measures as the Initial IHA (88 FR 47846).

Detailed Description of the Activity

A detailed description of the surveys for which incidental take is proposed here may be found in the **Federal Register** notice of the initial Proposed IHA (88 FR 32735, May 22, 2023). The location, duration, and nature of the activities, including the types of equipment planned for use, are identical to those described in the notice referenced above. The IHA is effective from August 21, 2024 through July 30, 2025.

Comments and Responses

A notice of NMFS' proposal to issue a renewal IHA to IWO was published in the **Federal Register** on July 17, 2024 (89 FR 58124). That notice described, in detail, or referenced descriptions of IWO's activity, the marine mammal species that may be affected by the activity, the anticipated effects on marine mammals and their habitat, estimated number and manner of take, and proposed mitigation, monitoring and reporting measures. NMFS received a total of five public comment letters. Four of these comment letters were from private citizens and one was from a non-governmental organization (Clean Ocean Action (COA)). The public comments expressed general opposition to the underlying associated activities. These comments do not raise significant points for NMFS to consider or are out of the scope of this activity.

We reiterate here that NMFS' proposed action concerns only the authorization of marine mammal take incidental to the planned surveys—NMFS' authority under the MMPA does not extend to the surveys themselves or to wind energy development more generally. The public comments requested that NMFS not issue any IHAs related to wind energy development and/or expressed opposition for wind energy development generally. We do not specifically address these comments because they are out of scope of the proposed Renewal IHA (89 FR 58124, July 17, 2024) or do not raise significant points for NMFS to consider.

All substantive comments and NMFS' responses are provided below, and all comment letters are available online at: *https://www.fisheries.noaa.gov/action/incidental-take-authorization-invenergy-wind-offshore-llcs-site-characterization-surveys-new.*

Comment 1: Several commenters expressed a concern that the proposed IHA and its associated specified activities would lead to mortality (death) of marine mammals.

Response: The public commenters did not provide any scientific evidence to support their claim that the proposed IHA and specific activities would lead to mortality of marine mammal. NMFS emphasizes that there is no credible scientific evidence available suggesting that mortality and/or serious injury is a potential outcome of the planned survey activity. NMFS notes there has never been a report of any serious injuries or mortalities of a marine mammal associated with site characterization surveys.

The best available science indicates that Level B harassment (*i.e.,* disruption of behavioral patterns may occur as a result of IWO's specified activities. We also refer to the Greater Atlantic Regional Fisheries Office (GARFO) 2021 Programmatic Consultation, which finds that these survey activities are in general not likely to adversely affect Endangered Species Act (ESA)-listed marine mammal species. That document is found at *https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-take-reporting-programmatics-greater-atlantic#offshore-wind-site-assessment-and-site-characterization-activities-programmatic-consultation.*

Comment 2: COA stated that marine mammal species experiencing Unusual Mortality Events (UMEs), such as North Atlantic right whales, humpback whales, and minke whales should be protected more carefully.

Response: NMFS appreciates COAs concern for marine mammals experiencing UMEs. However, COA did not suggest any additional mitigation measures that NMFS should consider incorporating into the IHA.

Comment 3: COA states the use of a Categorical Exclusion (CE) under National Environmental Policy Act (NEPA) should not apply and further analysis should be conducted while considering cumulative effects of the proposed IHA relative to other authorized takes in the area, including takes under the 2023 IHA.

Response: NMFS disagrees. A CE is a category of actions that an agency has determined does not individually or cumulatively have a significant effect on the quality of the human environment and is appropriately applied for such categories of actions so long as there are no extraordinary circumstances present that would indicate that the effects of the action may be significant. Extraordinary circumstances are situations for which NOAA has determined further NEPA analysis is required because they are circumstances in which a normally excluded action may have significant effects. A determination of whether an action that is normally excluded requires additional evaluation because of extraordinary circumstances focuses on the action's potential effects and considers the significance of those

effects in terms of both context (consideration of the affected region, interests, and resources) and intensity (severity of impacts). Potential extraordinary circumstances relevant to this action include: (1) adverse effects on species or habitats protected by the MMPA that are not negligible; (2) highly controversial environmental effects; (3) environmental effects that are uncertain, unique, or unknown; and (4) the potential for significant cumulative impacts when the proposed action is combined with other past, present, and reasonably foreseeable future actions.

The relevant NOAA CE associated with issuance of incidental take authorizations is CE B4, ''Issuance of incidental harassment authorizations under section 101(a)(5)(A) and (D) of the MMPA for the incidental, but not intentional, take by harassment of marine mammals during specified activities and for which no serious injury or mortality is anticipated.'' This action falls within CE B4. In determining whether a CE is appropriate for a given incidental take authorization, NMFS considers the applicant's specified activity and the potential extent and magnitude of takes of marine mammals associated with that activity along with the extraordinary circumstances listed in the Companion Manual for NOAA Administrative Order (NAO) 216–6A and summarized above.

The evaluation of whether extraordinary circumstances (if present) have the potential for significant environmental effects is limited to the decision NMFS is responsible for, which is issuance of the incidental take authorization. Potential effects of NMFS' action are limited to those that would occur due to the authorization of incidental take of marine mammals. NMFS prepared numerous EAs analyzing the environmental impacts of the categories of activities encompassed by CE B4, which resulted in Findings of No Significant Impacts (FONSIs) and, in particular, numerous EAs prepared in support of issuance of IHAs related to similar survey actions are part of NMFS' administrative record supporting CE B4. These EAs demonstrate the issuance of a given incidental harassment authorization does not affect other aspects of the human environment because the action only affects the marine mammals that are the subject of the incidental harassment authorization.

Specifically for this action, NMFS independently evaluated the use of the CE for issuance of IWO's IHA, which included consideration of extraordinary circumstances. As part of that analysis, NMFS considered whether this IHA issuance would result in cumulative impacts that could be significant. In particular, the issuance of an IHA to IWO is expected to result in minor, short-term behavioral effects on marine mammal species due to exposure to underwater sound from site characterization survey activities. Behavioral disturbance is possible to occur intermittently in the vicinity of IWO's survey area during the 1-year timeframe. Level B harassment will be reduced through use of mitigation measures described herein. Additionally, as discussed elsewhere, NMFS has determined that IWO's activities fall within the scope of activities analyzed in GARFO's programmatic consultation regarding geophysical surveys along the U.S. Atlantic coast in the three Atlantic Renewable Energy Regions (completed June 29, 2021; revised September 2021), which concluded surveys such as those planned by IWO are not likely to adversely affect ESA-listed species or adversely modify or destroy critical habitat. Accordingly, NMFS has determined that the issuance of this IHA will result in no more than negligible (as that term is defined by the Companion Manual for NAO 216–6A) adverse effects on species protected by the ESA and the MMPA.

Further, the issuance of this IHA will not result in highly controversial environmental effects or result in environmental effects that are uncertain, unique, or unknown because numerous entities have been engaged in site characterization surveys that result in Level B harassment of marine mammals in the United States. This type of activity is well documented; prior authorizations and analysis demonstrates issuance of an IHA for this type of action only affects the marine mammals that are the subject of the specific authorization and, thus, no potential for significant cumulative impacts are expected, regardless of past, present, or reasonably foreseeable actions, even though the impacts of the action may not be significant by itself. Based on this evaluation, we concluded that the issuance of the IHA qualifies to be categorically excluded from further NEPA review.

Comment 4: COA states there is considerable uncertainty regarding the effect of preconstruction surveying on marine mammals.

Response: NMFS disagrees. NMFS has issued IHAs for marine site characterization surveys and HRG surveys since 2014 and marine mammal behavioral responses, or lack thereof, from these activities are well documented. Marine mammal monitoring reports from authorized surveys and the best available science indicates that only Level B harassment (*i.e.,*temporary disruption of behavioral patterns) may occur. No mortality or serious injury is expected to occur as a result of IWOs planned surveys, and there is no scientific evidence indicating that any marine mammal could experience these as a direct result of noise from geophysical survey activity.

Comment 5: COA asserted that NMFS should reject IWOs application until the cumulative impacts of every incidental take authorization on marine mammals are considered. COA also stated that NMFS must fully consider the discrete effects of each activity and the cumulative effects of the suite of approved, proposed, and potential offshore wind activities on marine mammals and ensure that the cumulative effects are not excessive before issuing or renewing an IHA.

Response: NMFS is required to authorize the requested incidental take if it finds the incidental take by harassment of small numbers of marine mammals by U.S. citizens ''while engaging in that [specified] activity'' within a specified geographic region will have a negligible impact on such species or stock and where appropriate, will not have an unmitigable adverse impact on the availability of such species or stock for subsistence uses (16 U.S.C. 1371(a)(5)(D)). Negligible impact is defined as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). Neither the MMPA nor NMFS' implementing regulations require consideration of other unrelated activities and their impacts on marine mammal populations in the negligible impact determination. Additionally, NMFS' implementing regulations require applicants to include in their request a detailed description of the specified activity or class of activities that can be expected to result in incidental taking of marine mammals (50 CFR 216.104(a)(1)). Thus, the ''specified activity'' for which incidental take coverage is being sought under section 101(a)(5)(D) is generally defined and described by the applicant. Consistent with the preamble of NMFS' implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are factored into the baseline, which is used in the negligible impact analysis. Here, NMFS has factored into its negligible impact analysis the impacts of other past and ongoing anthropogenic activities via their

impacts on the baseline (*e.g.,* as reflected in the density, distribution and status of the species, population size and growth rate, and other relevant stressors).

The preamble of NMFS' implementing regulations (54 FR 40338, September 29, 1989) also addresses cumulative effects from future, unrelated activities. Such effects are not considered in making the negligible impact determination under MMPA section 101(a)(5). NMFS considers (1) cumulative effects that are reasonably foreseeable when preparing a NEPA analysis, and (2) reasonably foreseeable cumulative effects under section 7 of the ESA for listed species, as appropriate. Accordingly, NMFS has written Environmental Assessments (EA) that addressed cumulative impacts related to substantially similar activities in similar locations (*e.g.,* the 2019 Avangrid EA for survey activities offshore North Carolina and Virginia; the 2017 Ocean Wind, LLC EA for site characterization surveys off New Jersey; and the 2018 Deepwater Wind EA for survey activities offshore Delaware, Massachusetts, and Rhode Island). Cumulative impacts regarding issuance of IHAs for site characterization survey activities such as those planned by IWO have been adequately addressed under NEPA in prior environmental analyses that support NMFS' determination that this action is appropriately categorically excluded from further NEPA analysis. NMFS independently evaluated the use of a CE for issuance of IWO's IHA, which included consideration of extraordinary circumstances.

Separately, the cumulative effects of substantially similar activities in the northwest Atlantic Ocean have been analyzed in the past under section 7 of the ESA when NMFS has engaged in formal intra-agency consultation, such as the 2013 programmatic Biological Opinion (BiOp) for BOEM Lease and Site Assessment Rhode Island, Massachusetts, New York, and New Jersey Wind Energy Areas (*https://repository.library.noaa.gov/view/noaa/29291*). Analyzed activities include those for which NMFS issued previous IHAs (82 FR 31562, July 7, 2017; 83 FR 28808, June 21, 2018; 83 FR 36539, July 30, 2018; and 86 FR 26465, May 10, 2021), which are similar to those planned by IWO under this current IHA request. This BiOp determined that NMFS' issuance of IHAs for site characterization survey activities associated with leasing, individually and cumulatively, are not likely to adversely affect listed marine mammals. NMFS notes that, while issuance of this IHA is covered under a different consultation, this BiOp remains valid.

Comment 6: A commenter stated that Letters of Authorizations (LOA) would be more appropriate than IHAs and IHA renewals when time to complete proposed activities are unclear.

Response: Under section 101(a)(5)(D)(i) of the MMPA, the Secretary of Commerce, as delegated to NMFS, *shall authorize* the requested incidental, but not intentional, taking by harassment of small numbers of marine mammals by the requestor while engaged in the specified activities if NMFS finds the harassment (1) will have a negligible impact of such species or stock and (2) will not have an unmitigable adverse impact on the availability of such stocks for the taking for subsistence uses, if applicable. IWO requested an IHA for specified activities that could reasonably be completed within 1 year, and NMFS has made the required findings.

Description of Marine Mammals

A description of the marine mammals in the area of the activities for which authorization of take is proposed here, including information on abundance, status, distribution, and hearing, may be found in the **Federal Register** notice of the Proposed IHAs (88 FR 32735, May 22, 2023) for the initial IHA. NMFS has reviewed the monitoring data from the initial IHA, the draft 2023 Stock Assessment Reports (SARs), which included updates to certain stock abundances since the initial IHA was issued, information on relevant UME, and other scientific literature. The draft 2023 SAR updated the population estimate (N_{best}) of North Atlantic right whales from 338 to 340 and annual mortality and serious injury from 31.2 to 27.2. The updated population estimate in the draft 2023 SAR is based upon sighting history through December 2021 (89 FR 5495, January 29, 2024). Total annual average observed North Atlantic right whale mortality during the period 2017–2021 was 7.1 animals and annual average observed fishery mortality was 4.6 animals, however, estimates of 27.2 total mortality and 17.6 fishery mortality account for undetected mortality and serious injury (89 FR 5495, January 29, 2024). In October 2023, NMFS released a technical report identifying that the North Atlantic right whale population size based on sighting history through 2022 was 356 whales, with a 95 percent credible interval ranging from 346 to 363 (Linden, 2023).

The population estimates (N_{best}) also increased for the North Atlantic stock of Sperm whales, the Western North Atlantic Offshore stock of Common bottlenose dolphins, Western North Atlantic stocks of Risso's dolphins, Atlantic spotted dolphins, and Gray seals. However, abundance estimates slightly decreased for the Western North Atlantic stocks of Common dolphins and Harbor Porpoises. NMFS has determined there is no new information that affects which species or stocks have the potential to be affected or the pertinent information in the Description of the Marine Mammals in the Area of Specified Activities contained in the supporting documents for the initial IHA.

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which an IHA is proposed here may be found in the notice of the proposed IHA (88 FR 32735, May 22, 2023) for the initial IHA. NMFS has reviewed the monitoring data from the initial IHA, recent draft SARs, information on relevant UME's, and other scientific literature and determined that there is no new information that affects our initial analysis of impacts on marine mammals and their habitat. Therefore, that information is not repeated here; please refer to the **Federal Register** notice (88 FR 32735, May 22, 2023).

Estimated Take

A detailed description of the methods and inputs used to estimate take for the specified activity are found in the **Federal Register** notice of the Final IHA (88 FR 47846, July 25, 2023) for the initial IHA. Specifically, the source levels, days of operation, and marine mammal density/occurrence data applicable to this authorization remain unchanged from the initial IHA. Similarly, the stocks taken, methods of take, and type of take remain unchanged from the initial IHA, as do the number of takes, which are indicated below in table 1.

TABLE 1—ESTIMATED TAKE NUMBER AND TOTAL AUTHORIZED TAKE BY LEVEL B HARASSMENT

Species	Ensonified area (km^2)	Density (animals/km^2)	Estimated take	Total take authorized	Percent of abundance
North Atlantic right whale	3,615	0.001748	6	6	[A] 1.76
Humpback whale	3,615	0.003657	13	13	0.93
Fin whale	3,615	0.004856	18	18	0.26
Sei whale	3,615	0.001813	7	7	0.11
Minke whale	3,615	0.025476	92	92	0.42
Sperm whale	3,615	0.000371	1	2	[A] 0.03
Risso's dolphin	3,615	0.002841	10	10	[A] 0.02
Long-finned pilot whale	3,615	0.003363	12	15	0.03
Atlantic white-sided dolphin	3,615	0.027836	101	101	0.11
Common dolphin	3,615	0.245719	888	888	[A] 0.95
Atlantic spotted dolphin	3,615	0.011683	42	42	[A] 0.13
Harbor porpoise	3,615	0.262904	950	950	[A] 1.11
Common bottlenose dolphin (Offshore Stock) [B]	3,164	0.193127	611	611	[A] 0.95
Common bottlenose dolphin (Northern Migratory Coastal Stock) [C]	452	1.758553	795	795	11.97
Gray seal	3,615	[D] 0.262904	950	950	[A E] 0.26
Harbor seal	3,615	[D] 0.262904	950	950	1.55

Note: Take request based on average group size using sightings data from (CETAP, 1982, Palka *et al.,* 2017, Palka *et al.,* 2021) (see Attachment 3 of the application for the initial IHA).

[A] Based on the 2023 draft marine mammal stock assessment reports (SAR).

[B] The ensonified area for the offshore stock is for greater than 20 m water depth includes all the lease area and portions of the ECR.

[C] The ensonified area for the migratory coastal stock is only the areas of less than 20 m water depth (found only in portions of the ECR).

[D] These each represent 50 percent of a generic seal density value.

[E] This abundance estimate is based on the total stock abundance (including animals in Canada). The NMFS stock abundance estimate for U.S. population is 27,911.

Description of Mitigation, Monitoring and Reporting Measures

The mitigation, monitoring, and reporting measures included as requirements in the IHA are identical to those included in the **Federal Register** notice announcing the issuance of the initial IHA (88 FR 47846, July 25, 2023) and the discussion of the least practicable adverse impact determination included in that document remains applicable and accurate. The following measures required in this renewal IHA:

- *Protected Species Observers (PSO):* A minimum of one visual PSO must be on duty on each source vessel and conducting visual observations at all times during daylight hours (*i.e.,* from 30 minutes (min) prior to sunrise through 30 min following sunset). A minimum of two PSOs must be on duty on each source vessel during nighttime hours;
- *Pre-Start Clearance Protocols:* Prior to activating sparker systems, IWO must implement a 30-minute pre-start clearance observation period. If any marine mammals are detected within the shutdown zones prior to or during ramp-up, the sparker system equipment must be shutdown (as described above). Pre-start clearance is waived for certain genera of small delphinids and pinnipeds;
- *Ramp-up:* A ramp-up procedure must be used for the activation of sparker systems by gradually increasing source levels at the start or re-start of survey activities (when technically feasible);
- *Shutdown Zones:* If a sparker system is active and a marine mammal is observed within or entering a relevant shutdown zone, an immediate shutdown of the sparker system equipment is required. Shutdown requirements are waived for certain genera of small delphinids and pinnipeds;
- *Vessel strike avoidance measures:* Minimum separation distances must be maintained for marine mammals (500 m for North Atlantic right whales, baleen whales (except humpback and minke), sperm whales, and unidentified large whales; 100 m for humpback and minke whales; 50 m for all other marine mammals); restricted vessel speeds and operational maneuvers; and
- *Reporting:* IWO must submit a marine mammal monitoring report within 90 days of completion of the surveys.

Determinations

NMFS is authorizing the incidental take of small numbers of marine mammals from specified activities identical to those analyzed in the initial IHA and is requiring identical mitigation, monitoring, and reporting measures as those specified in the initial IHA. The number of takes by Level B harassment authorized is equal to that authorized in the initial IHA. In the initial IHA, NMFS determined that IWO's specified activities would have a negligible impact on the affected species and/or stocks and the authorized take for each stock would be small relative to individual stock abundance (less than one third).

NMFS has concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. This includes consideration of the estimated abundance of seven stocks decreasing/increasing slightly. Specifically, NMFS is authorizing six takes of North Atlantic right whales by Level B harassment only, and the impacts resulting from the project's activities are neither reasonably expected nor reasonably likely to adversely affect the stock through effects on annual rates of recruitment or survival. Additionally, approximately 1.76 percent of the stock abundance is authorized for take by Level B harassment.

Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) the required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) IWO's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no

relevant subsistence uses of marine mammals are implicated by this action, and; (5) appropriate monitoring and reporting requirements are included.

National Environmental Policy Act

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental take authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS determined that the issuance of the initial IHA qualified to be categorically excluded from further NEPA review. NMFS has determined that the application of this categorical exclusion remains appropriate for this renewal IHA.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

NMFS' Office of Protected Resources has authorized take of four species of marine mammals that are listed under the ESA (*i.e.,* North Atlantic Right Whale, fin whale, sei whale, and sperm whale) and has determined these activities fall within the scope of activities analyzed in the NMFS GARFO programmatic consultation regarding geophysical surveys along the U.S. Atlantic coast in the three Atlantic Renewable Energy Regions (completed June 29, 2021; revised September 2021). The Renewal IHA neither provides new information about the effects of the action nor change the extent of effects of the action or any other basis to require reinitiation of consultation with NMFS GARFO. Therefore, the ESA consultation has been satisfied for the initial IHA and remains valid for the Renewal IHA.

Renewal IHA

NMFS has issued a renewal IHA to IWO for conducting marine site characterization with HRG surveys off the coast of New York and New Jersey in the New York Bight in BOEM Lease Area OCS–A 0542 and the associated Export ECR Area from August 21, 2024 through July 30, 2025.

Dated: August 22, 2024.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

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BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (''PRA''), this notice announces that the Information Collection Request (''ICR'') abstracted below has been forwarded to the Office of Management and Budget (''OMB'') for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before September 26, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice's publication to OIRA, at *https://www.reginfo.gov/public/do/PRAMain.* Please find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the website's search function. Comments can be entered electronically by clicking on the ''comment'' button next to the information collection on the ''OIRA Information Collections Under Review'' page, or the ''View ICR—Agency Submission'' page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting *https://www.reginfo.gov/public/do/PRAMain.*

In addition to the submission of comments to *https://Reginfo.gov* as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the ''Commission'' or ''CFTC'') by clicking on the ''Submit Comment'' box next to the descriptive entry for OMB Control No. 3038–0095, at *https://comments.cftc.gov/FederalRegister/PublicInfo.aspx.*

Or by either of the following methods:

- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments submitted to the Commission should include only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations. The Commission reserves the right, but shall have no obligation, to review, prescreen, filter, redact, refuse or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Robert B. Wasserman, Chief Counsel and Senior Advisor, Division of Clearing and Risk, Commodity Futures Trading Commission, (202) 418–5092; email: *rwasserman@cftc.gov,* and refer to OMB Control No. 3038–0021.

SUPPLEMENTARY INFORMATION:

Title: Regulations Governing Bankruptcies of Commodity Brokers (OMB Control No. 3038–0021). This is a request for an extension of a currently approved information collection.[1]

[1] There are two information collections associated with OMB Control No. 3038–0021. The first includes the reporting, recordkeeping, and third party disclosure requirements applicable to a single respondent in a commodity broker liquidation (*e.g.,* a single commodity broker or a single trustee) within the relevant time period provided for in Commission regulations 190.02(b)(1), 190.02(b)(2), 190.02(c)(1), 190.02(c)(2), 190.02(c)(4), 190.05(b), 190.05(d), 190.07(b)(5), 190.12(a)(2), 190.12(b)(1), 190.12(b)(2), 190.12(c)(1), 190.12(c)(2), and 190.14(a), and 190.14(d). The second information collection includes third party disclosure requirements that are applicable on a regular basis to multiple respondents (*i.e.,* multiple FCMs) provided for in Commission regulations 1.41, 1.43 and 1.55(p).

Abstract: This collection of information involves the reporting, recordkeeping, and third-party disclosure requirements set forth in the CFTC's bankruptcy regulations for commodity broker liquidations, 17 CFR part 190. These regulations apply to commodity broker liquidations under Chapter 7, Subchapter IV of the Bankruptcy Code.[2]

The reporting requirements include, for example, notices to the Commission regarding the filing of petitions for bankruptcy and notices to the Commission regarding the intention to transfer open commodity contracts in a commodity broker liquidation. The recordkeeping requirements include, for example, the statements of customer accounts that a trustee appointed for the purposes of a commodity broker liquidation (Trustee) must generate and adjust as set forth in the regulations. The third party disclosure requirements include, for example, the disclosure statement that a commodity broker must provide to its customers containing information regarding the manner in which customer property is treated under part 190 of the Commission's regulations in the event of a bankruptcy and, in the event of a commodity broker liquidation, certain notices that a Trustee must provide to customers and to the persons to whom commodity contracts and specifically identifiable customer property have been or will be transferred. The information collection requirements are necessary, and will be used, to facilitate the effective, efficient, and fair conduct of liquidation proceedings for commodity brokers and to protect the interests of customers in these proceedings both directly and by facilitating the participation of the CFTC in such proceedings.

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 number. On June 17, 2024, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 89 FR 51315, June 17, 2024 (''60-Day Notice''). The Commission did not receive any relevant comments. Accordingly, the Commission is retaining the burden estimates set forth in the 60-Day Notice.

Burden Statement: The Commission notes that commodity broker liquidations occur at unpredictable and irregular intervals when particular commodity brokers become insolvent. While a commodity broker liquidation has not occurred in the past three years, the Commission took the conservative approach of maintaining the assumptions contained in the previous renewal of this information collection that, on average, a Futures Commission Merchant (''FCM'') commodity broker liquidation would occur every three years and that a Derivatives Clearing Organization (''DCO'') commodity broker liquidation would occur every fifty years. The Commission generally has retained the burden hour estimates set forth in the previous information collection as there have been no interim experiences nor are there currently apparent circumstances that would warrant altering those estimates. The Commission further notes, however, that the information collection burden will vary in particular commodity broker liquidations depending on the size of the commodity broker, the extent to which accounts are able to be quickly transferred, and other factors specific to the circumstances of the liquidation.

The respondent burden for this information collection is estimated to be as follows:[3]

- Reporting—FCMs:[4]
  Estimated Number of Respondents: 1.
  Estimated Annual Number of Responses per Respondent: 1.
  Estimated Total Annual Number of Responses: 1.
  Estimated Annual Number of Burden Hours per Respondent: 1.
  Estimated Total Annual Burden Hours: 1.
  Type of Respondents: FCM commodity brokers who have filed a petition in bankruptcy, Trustees.
  Frequency of Collection: On occasion.
- Recordkeeping—FCMs:[5]
  Estimated Number of Respondents: 1.
  Estimated Annual Number of Responses per Respondent: 26,666.67.
  Estimated Total Annual Number of Responses: 26,666.67.
  Estimated Annual Number of Burden Hours per Respondent: 266.67.
  Estimated Total Annual Burden Hours: 266.67.
  Type of Respondents: Trustees.
  Frequency of Collection: Only during the pendency of an FCM bankruptcy: daily and on occasion.
- Third Party Disclosures Applicable to a Single Respondent—FCMs:[6]
  Estimated Number of Respondents: 1.
  Estimated Annual Number of Responses per Respondent: 10,003.32.
  Estimated Total Annual Number of Responses: 10,003.32.
  Estimated Annual Number of Burden Hours per Respondent: 1,336.66.
  Estimated Total Annual Burden Hours: 1,336.66.
  Type of Respondents: Trustees.
  Frequency of Collection: On occasion.
- Reporting—DCOs:[7]
  Estimated Number of Respondents:[8] 1.
  Estimated Annual Number of Responses per Respondent: 1.
  Estimated Total Annual Number of Responses: 1.
  Estimated Annual Number of Burden Hours per Respondent: 2.98.
  Estimated Total Annual Burden Hours: 0.61.
  Type of Respondents: DCO commodity brokers who have filed a petition in bankruptcy, Trustees.
  Frequency of Collection: On occasion.
- Recordkeeping—DCOs:[9]
  Estimated Number of Respondents: 1.
  Estimated Annual Number of Responses per Respondent: 9.
  Estimated Total Annual Number of Responses: 9.
  Estimated Annual Number of Burden Hours per Respondent: 0.9.
  Estimated Total Annual Burden Hours: 0.9.
  Type of Respondents: Trustees.
  Frequency of Collection: Only during the pendency of a DCO bankruptcy: daily.
- Third Party Disclosures Applicable to a Single Respondent—DCOs:[10]
  Estimated Number of Respondents: 1.
  Estimated Annual Number of Responses per Respondent: 9.
  Estimated Total Annual Number of Responses: 9.
  Estimated Annual Number of Burden Hours per Respondent: 0.9.
  Estimated Total Annual Burden Hours: 0.9.

[2] 11 U.S.C. 761 *et seq.*

[3] Because an FCM commodity broker liquidation is estimated to occur only once every three years, this information collection expresses such burdens in terms of those that would be imposed on *one* respondent during the three-year period.

[4] The reporting requirements for FCMs are contained in Commission regulations 190.03(b)(1) and 190.03(b)(2).

[5] The recordkeeping requirements for FCMs are contained in Commission regulations 190.05(b) and 190.05(d).

[6] These third party disclosure requirements are contained in Commission regulations 190.03(c)(1), 190.03(c)(2), 190.02(c)(4), and 190.07(b)(5).

[7] The reporting requirements for DCOs are contained in Commission regulations 190.12(a)(2), 190.12(b)(1), 190.12(b)(2), 190.12(c)(1), and 190.12(c)(2).

[8] Because a DCO commodity broker liquidation is estimated to occur only once every fifty years, this information collection expresses such burdens in terms of those that would be imposed on one respondent during the fifty-year period.

[9] The recordkeeping requirements for DCOs are contained in Commission regulation 190.14(d).

[10] The third-party disclosure requirements for DCOs are contained in Commission regulation 190.14(a).

Type of Respondents: Trustees.

Frequency of Collection: On occasion.

- Third Party Disclosures Applicable to Multiple Respondents During Business as Usual: [11]

Estimated Number of Respondents: 125.

Estimated Annual Number of Responses per Respondent: 3,000.

Estimated Total Annual Number of Responses: 375,000.

Estimated Annual Number of Burden Hours per Respondent: 20.

Estimated Total Annual Burden Hours: 7,500.

Type of Respondents: FCMs.

Frequency of Collection: On occasion.

There are no new capital or start-up or operations costs associated with this information collection, nor are there any maintenance costs associated with this information collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: August 22, 2024.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2024–19214 Filed 8–26–24; 8:45 am]

BILLING CODE 6351–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

TIME AND DATE: Wednesday, August 28, 2024—10 a.m.

PLACE: The meeting will be held remotely, and in person at 4330 East West Highway, Bethesda, Maryland, 20814.

STATUS: Commission Meeting—Open to the Public.

MATTER TO BE CONSIDERED:

Briefing Matter: Draft Final Rule: Safety Standard for Nursing Pillows.

To attend remotely, please use the following link: https://cpsc.webex.com/cpsc/j.php?MTID=mabf0fe06b00d0be587a7423f84bc8cb1.

CONTACT PERSON FOR MORE INFORMATION: Alberta E. Mills, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, 301–504–7479 (Office) or 240–863–8938 (Cell).

Dated: August 23, 2024.

Alberta E. Mills,

Commission Secretary.

[FR Doc. 2024–19325 Filed 8–23–24; 4:15 pm]

BILLING CODE P

[11] The third-party disclosure requirements that are applicable on a regular basis to multiple respondents (*i.e.,* multiple FCMs) are contained in Commission regulations 1.41, 1.43 and 1.55(p).

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID: USAF–2023–HQ–0015]

Submission for OMB Review; Comment Request

AGENCY: Department of the Air Force, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 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.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372–7574, *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Air Force ROTC Program and Scholarship Application; OMB Control Number 0701–0105.

Type of Request: Reinstatement with change.

Number of Respondents: 12,600.

Responses per Respondent: 1.

Annual Responses: 12,600.

Average Burden per Response: 3 hours.

Annual Burden Hours: 37,800.

Needs and Uses: The information collection requirement is necessary to determine whether an applicant is eligible to join the Air Force Reserve Officer's Training Corps (AF ROTC) program and, if accepted, the enrollment status of the applicant within the program. Upon acceptance into the program, the collected information is used to establish personal records for AF ROTC cadets. Eligibility for membership cannot be determined if this information is not collected.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: August 21, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–19209 Filed 8–26–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Record of Decision for the Environmental Impact Statement T–7A Recapitalization at Columbus AFB, MS

ACTION: Notice of availability of record of decision.

SUMMARY: On August 19, 2024, the Department of the Air Force (DAF) signed the Record of Decision (ROD) for the T–7A Recapitalization at Columbus AFB, MS, Environmental Impact Statement.

ADDRESSES: Ms. Chinling Chen (AFCEC/CIE), Headquarters AETC Public Affairs; 100 H East Street, Suite 4; Randolph AFB, TX 78150. (210) 395–0979; *chinling.chen@us.af.mil.*

SUPPLEMENTARY INFORMATION: The DAF has decided to replace all T–38C aircraft at Columbus AFB with up to 77 T–7A aircraft and continue flying training programs at Columbus AFB, MS.

The DAF decision documented in the ROD was based on matters discussed in the Final Environmental Impact Statement, inputs from the public and regulatory agencies, and other relevant factors. The Final Environmental Impact Statement was made available to the public on May 3, 2024 through a Notice of Availability in the **Federal Register**

(Volume 89, Number 87, Page 36815) with a waiting period that ended on June 3, 2024.

Authority: This Notice of Availability is published pursuant to the regulations (40 CFR part 1506.6) implementing the provisions of the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*) and the Air Force's Environmental Impact Analysis Process (32 CFR parts 989.21(b) and 989.24(b)(7)).

Tommy W. Lee,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2024–19179 Filed 8–26–24; 8:45 am]

BILLING CODE 3911–44–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2022–OS–0113]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD (P&R)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 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.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372–7574, *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Understanding Social Interactions and Sexual Behavior in the Military submitted under ''DoD-wide Data Collection and Analysis for the Department of Defense Qualitative and Quantitative Data Collection in Support of the Independent Review Commission on Sexual Assault Recommendations,'' OMB Control Number: 0704–0644.

Type of Request: New.

Number of Respondents: 3,000.

Responses per Respondent: 1.

Annual Responses: 3,000.

Average Burden per Response: 0.5 hours.

Annual Burden Hours: 1,500.

Needs and Uses: The Independent Review Commission on Sexual Assault in the Military recommended that the Department develop a ''state-of-the-art DoD prevention research capability'' to better understand and develop prevention approaches for sexual harassment, sexual assault, and other forms of violence. The information collection requirement is necessary to obtain information on the full range of risk and protective factors for sexual assault and sexual harassment to support the development of evidence-based approaches for prevention.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: August 21, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–19206 Filed 8–26–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0067]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 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.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372–7574, *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Waiver/Remission of Indebtedness Application; DD Form 2789; OMB Control Number 0730–0009.

Type of Request: Extension.

Number of Respondents: 4,500.

Responses per Respondent: 1.

Annual Responses: 4,500.

Average Burden per Response: 80 minutes.

Annual Burden Hours: 6,000.

Needs and Uses: The information collected on this form will be used by the Defense Finance and Accounting Service to determine whether there is indication of fraud, misrepresentation, fault, or lack of good faith, and whether it is in the best interest of the United States to forgive the debt. It will also be used to determine if a debtor should have been reasonably aware of the overpayment when it occurred. If a request for waiver is denied, the debt collection office (DCO) (usually the payroll office) will continue or resume collection if collection action was previously suspended. If a request for waiver is approved, then the DCO must cancel any outstanding portion of the debt and refund any portion of the debt

that may have been collected prior to waiver approval.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: August 21, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–19210 Filed 8–26–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0097]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment (OUSD(A&S)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of Local Defense Community Cooperation (OLDCC) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 28, 2024.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Department of Defense, Office of Local Defense Community Cooperation, 2231 Crystal Drive, Suite 520, Arlington, Virginia, 22202–3711, ATTN: Ms. Elizabeth Chimienti or call (703) 901–7644.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Base Realignment and Closure (BRAC) Military Base Reuse Status; DD Form 2740; OMB Control Number 0790–0003.

Needs and Uses: Through the OLDCC, DoD funds are provided to communities for economic adjustment planning in response to closures and realignments of military installations. A measure of program evaluation is the monitoring of civilian job creation, and the type of redevelopment at former military installations. The respondents to the annual survey will generally be a single point of contact at the local level that is responsible for overseeing the base redevelopment effort. If this data is not collected, OLDCC will have no accurate, timely information regarding the civilian reuse of former military bases. As the administrator of the Defense Economic Adjustment Program, OLDCC has a responsibility to encourage private sector use of lands and buildings to generate jobs as military activity diminishes, and to serve as a clearinghouse for reuse data.

Affected Public: Business or other for-profit; State, Local, or Tribal Government.

Annual Burden Hours: 100.

Number of Respondents: 100.

Responses per Respondent: 1.

Annual Responses: 100.

Average Burden per Response: 1 hour.

Frequency: Annually.

Dated: August 21, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–19213 Filed 8–26–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2024–OS–0059]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD (P&R)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 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.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372–7574, *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil*.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Application for Transitional Compensation; DD Form 2698; OMB Control Number: 0704–0578.

Type of Request: Extension.
Number of Respondents: 500.
Responses per Respondent: 1.
Annual Responses: 500.
Average Burden per Response: 20 minutes.
Annual Burden Hours: 167.
Needs and Uses: DoD Instruction (DoDI) 1342.24, ''Transitional Compensation (TC) for Abused Dependents,'' establishes policy in accordance with section 1059 of Title 10, United States Code. In order to validate eligibility for the benefit and to ensure payment to the appropriate claimant, the Services obtain information from the abused dependents or their legal representative. This includes personal identifiable information such as name, social security numbers, dates of birth, etc. In order to collect this information, DoDI 1342.24 directs the Service representatives to use DD Form 2698, ''Application for TC.'' The potential claimant travels to the office of the Service representative at the closest military installation. The Service representative provides the potential claimant with a blank hard-copy of DD Form 2698 to ensure they meet the eligibility requirements for the pay, identify the number of dependent children in the payee's custody, and obtain the current address of the eligible dependent(s) or their legal representative. The claimant will complete Section I and the Service representative will complete Sections II and III of DD Form 2698. The form is then scanned and sent electronically via secure email to Defense Finance and Accounting Service (DFAS) to complete Section IV. Once confirmation of eligibility is made by DFAS, the claimant will begin receiving benefits. All records, both electronic and hard-copy, are filed/stored on a secure database and/or in a secure workspace in accordance with DoD records management protocol.
Affected Public: Individuals or households.
Frequency: As required.
Respondent's Obligation: Voluntary.
OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: August 21, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–19208 Filed 8–26–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2024–HQ–0011]

Proposed Collection; Comment Request

AGENCY: Department of the Navy, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Department of the Navy announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 28, 2024.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: DoD Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to OPNAV Forms/Information Collections Office (DNS–14), 2000 Navy Pentagon, Room 4E563, Washington, DC 20350–2000, ATTN: Ms. Ashley Alford, or call 703–614–7585.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Facilities Available for the Construction or Repair of Ships; Standard Form 17; OMB Control Number 0703–0006.
Needs and Uses: The information collection is part of a joint effort between the Naval Sea Systems Command and the U.S. Maritime Administration, to maintain a working data set on active U.S. shipyards. The information collected is critical in providing both organizations with a comprehensive list of U.S. commercial shipyards and their capabilities and capacities.
Affected Public: Businesses or other for profit.
Annual Burden Hours: 800.
Number of Respondents: 200.
Responses per Respondent: 1.
Annual Responses: 200.
Average Burden per Response: 4 hours.
Frequency: Annually.

Dated: August 21, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–19212 Filed 8–26–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF ENERGY

President's Council of Advisors on Science and Technology (PCAST)

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of a partially-closed virtual meeting.

SUMMARY: This notice announces a partially-closed virtual meeting of the

President's Council of Advisors on Science and Technology (PCAST). The Federal Advisory Committee Act (FACA) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, September 12, 2024; 9 a.m. to 4 p.m. Eastern Time.

ADDRESSES: Information for viewing the livestream of the meeting can be found on the PCAST website closer to the meeting date at: *www.whitehouse.gov/PCAST/meetings.*

FOR FURTHER INFORMATION CONTACT: Dr. Melissa A. Edwards, Designated Federal Officer, PCAST, email: *PCAST@ostp.eop.gov;* telephone: 202–881–9018.

SUPPLEMENTARY INFORMATION: PCAST is an advisory group of the nation's leading scientists and engineers, appointed by the President to augment the science and technology advice available to him from the White House, cabinet departments, and other Federal agencies. See the Executive order at *whitehouse.gov.* PCAST is consulted on and provides analyses and recommendations concerning a wide range of issues where understanding of science, technology, and innovation may bear on the policy choices before the President. The Designated Federal Officer is Dr. Melissa A. Edwards. Information about PCAST can be found at: *www.whitehouse.gov/PCAST.*

Tentative Agenda

Open portion: PCAST may discuss transportation research to support future innovations.

Closed portion: PCAST may hold a closed meeting of approximately one hour with the President and/or senior administration officials on topics related to transportation innovation on September 12th or 13th, which must take place at the scheduling convenience of the President and to maintain Secret Service protection. This session will be closed to the public because the session is likely to disclose matters that are to be kept secret in the interest of national defense or foreign policy under 5 U.S.C. 552b(c)(1).

Public Participation: The open sessions are open to the public. The meeting will be held virtually for members of the public. It is the policy of PCAST to accept written public comments no longer than 10 pages and to accommodate oral public comments whenever possible. PCAST expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

The public comment period for this meeting will take place on September 12, 2024, at a time specified in the meeting agenda. This public comment period is designed only for substantive commentary on PCAST's work, not for business marketing purposes.

Oral Comments: To be considered for the public speaker list at the meeting, interested parties should register to speak at *PCAST@ostp.eop.gov,* no later than 12 p.m. Eastern Time on September 6, 2024. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of up to 10 minutes. If more speakers register than there is space available on the agenda, PCAST will select speakers on a first-come, first-served basis from those who registered. Those not able to present oral comments may file written comments with the council.

Written Comments: Although written comments are accepted continuously, written comments should be submitted to *PCAST@ostp.eop.gov* no later than 12 p.m. Eastern Time on September 6, 2024, so that the comments can be made available to the PCAST members for their consideration prior to this meeting.

PCAST operates under the provisions of FACA, all public comments and/or presentations will be treated as public documents and will be made available for public inspection, including being posted on the PCAST website at: *www.whitehouse.gov/PCAST/meetings.*

Minutes: Minutes will be available within 45 days at: *www.whitehouse.gov/PCAST/meetings.*

Signing Authority: This document of the Department of Energy was signed on August 21, 2024, by David Borak, Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 22, 2024.

Jennifer Hartzell,

Alternate Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2024–19215 Filed 8–26–24; 8:45 am]

BILLING CODE 6450–01–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: ER23–1784–002.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: Order No. 676–J Compliance Revisions to Tariff, Section 4.2 to be effective 12/31/9998.
Filed Date: 8/21/24.
Accession Number: 20240821–5109.
Comment Date: 5 p.m. ET 9/11/24.

Docket Numbers: ER24–2820–000.
Applicants: New York Independent System Operator, Inc.
Description: 205(d) Rate Filing: NYISO 205 Filing: Development Agreement—NYISO, LIPA SA2855 to be effective 7/23/2024.
Filed Date: 8/21/24.
Accession Number: 20240821–5023.
Comment Date: 5 p.m. ET 9/11/24.

Docket Numbers: ER24–2821–000.
Applicants: PJM Interconnection, L.L.C.
Description: 205(d) Rate Filing: Original NSA, SA No. 7329; Queue Nos. V1–024 and V1–025 to be effective 10/21/2024.
Filed Date: 8/21/24.
Accession Number: 20240821–5026.
Comment Date: 5 p.m. ET 9/11/24.

Docket Numbers: ER24–2822–000.
Applicants: PJM Interconnection, L.L.C.
Description: 205(d) Rate Filing: Original NSA, SA No. 7330; Queue Nos. V4–046 and V4–047 to be effective 10/21/2024.
Filed Date: 8/21/24.
Accession Number: 20240821–5029.
Comment Date: 5 p.m. ET 9/11/24.

Docket Numbers: ER24–2823–000.
Applicants: NorthWestern Corporation.
Description: Tariff Amendment: Cancellation of RS 328—NorthernGrid Funding Agrmt to be effective 2/1/2024.
Filed Date: 8/21/24.
Accession Number: 20240821–5043.
Comment Date: 5 p.m. ET 9/11/24.

Docket Numbers: ER24–2824–000.
Applicants: RE Papago LLC.
Description: Baseline eTariff Filing: Application for Market Based Rate Authority to be effective 10/22/2024.
Filed Date: 8/21/24.
Accession Number: 20240821–5115.
Comment Date: 5 p.m. ET 9/11/24.

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: August 21, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–19205 Filed 8–26–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2444–042]

Northern States Power Company; Notice of Reasonable Period of Time for Water Quality Certification Application

On August 19, 2024, the Wisconsin Department of Natural Resources (Wisconsin DNR) submitted to the Federal Energy Regulatory Commission (Commission) notice that it received a request for a Clean Water Act section 401(a)(1) water quality certification as defined in 40 CFR 121.5, from Northern States Power Company, in conjunction with the above captioned project on August 6, 2024. Pursuant to section 4.34(b)(5) of the Commission's regulations,[1] we hereby notify Wisconsin DNR of the following:

Date of Receipt of the Certification Request: August 6, 2024.

Reasonable Period of Time to Act on the Certification Request: One year, August 6, 2025.

If Wisconsin DNR fails or refuses to act on the water quality certification request on or before the above date, then the certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: August 21, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–19203 Filed 8–26–24; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 4.34(b)(5).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5737–032]

Santa Clara Valley Water District; Notice of Scoping Meetings, Environmental Site Review, and Soliciting Scoping Comments

On February 20, 2024, and supplemented on May 20, May 28, July 2, and July 3, 2024, Santa Clara Valley Water District (applicant) filed an application to retrofit the dam and to surrender the project exemption for the Anderson Dam Hydroelectric Project No. 5737. The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare a document in accordance with the National Environmental Policy Act (NEPA) that will discuss the environmental impacts of the proposed dam retrofit and surrender of the project exemption for the Anderson Dam Hydroelectric Project located on Coyote Creek, in Santa Clara County, California (NEPA document). The Commission will use this NEPA document in its decision-making process to identify potential adverse and beneficial impacts of the proposed project surrender and reasonable alternatives.

This notice initiates the start of a scoping process the Commission will use to gather input from the public and interested agencies about issues regarding the project. As part of the 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. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the NEPA document on the important environmental issues. Additional information about the Commission's NEPA process is described below in the *NEPA Process* section of this notice.

By this notice, the Commission staff requests public comments on the scope of issues to address in the NEPA document. Specifically, we request comments on potential alternatives and impacts, as well as identification of any relevant information, studies, or analyses of any kind concerning impacts affecting the quality of the human environment. To ensure that your comments are timely and properly recorded, please submit your comments within 60 days of this scoping notice, *i.e.,* by October 21, 2024.[1] 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.

Public Participation

There are four methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov*. Please carefully follow these instructions so that your comments are properly recorded.

(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

[1] The Commission's Rules of Practice and Procedure provide that if a filing deadline falls on a Saturday, Sunday, holiday, or other day when the Commission is closed for business, the filing deadline does not end until the close of business on the next business day. 18 CFR 385.2007(a)(2). Because the 60-day filing deadline falls on a Sunday (*i.e.,* October 20, 2024), the filing deadline is extended until the close of business on Monday, October 21, 2024.

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (Project No. 5737–032) 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) SCOPING SESSIONS:

Commission staff will hold two public scoping meetings to receive input on the scope of the environmental issues that should be analyzed in the NEPA document. All interested individuals, resource agencies, Native American Tribes, and NGOs are invited to attend one or both of the meetings to provide comments for the public record. The times and locations of these meetings are as follows:

Evening Scoping Meeting

DATE: Wednesday, September 18, 2024
TIME: 6:30 p.m.–8:30 p.m. Pacific Time (PT)
PLACE: Hiram Morgan Hill Room, Community and Cultural Center
ADDRESS: 17000 Monterey Road, Morgan Hill, CA 95037

Daytime Scoping Meeting

DATE: Thursday, September 19, 2024
TIME: 9:00 a.m.–11:00 a.m. (PT)
PLACE: El Toro Room, Community and Cultural Center
ADDRESS: 17000 Monterey Road, Morgan Hill, CA 95037

The meetings will be recorded by a stenographer and become part of the formal record of the Commission proceeding on the project. Individuals, NGOs, Native American Tribes, and agencies with environmental expertise and concerns are encouraged to attend the meeting and to assist the staff in defining and clarifying the issues to be addressed in the NEPA document.

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.

Site Visit

DATE: Tuesday September 17, 2024
TIME: 8:30 a.m. (PT)
PLACE: Boarding of buses at the parking lot of the Morgan Hill Community Center, 17000 Monterey Road, Morgan Hill, CA 95037

Commission staff will hold a limited site visit with Valley Water covering Anderson Dam Seismic Retrofit Project, Coyote Percolation Dam, and Ogier Ponds on September 17, 2024. Due to active construction at Anderson Dam and the downstream Coyote Percolation Dam, the site visit will be limited to publicly accessible areas only. Interested individuals, agencies, Tribes, and NGOs are invited to attend and must register in advance with Valley Water. Space may be limited, therefore, interested participants must confirm their planned participation by September 9, 2024, by contacting Jiana Escobar at Valley Water via phone, 408–630–2266 or email, *anderson_ferc@valleywater.org.* All confirmed site visit participants should wear closed-toe shoes or boots. Boarding of buses for confirmed participants will start at 8:30 a.m. at the Morgan Hill Community Center parking lot located at 17000 Monterey Road, Morgan Hill, CA 95037. Buses will return to the Community Center at approximately 11:30 a.m.

Summary of the Proposed Surrender

On February 20, 2024, as supplemented on May 20, May 28, and July 2, and July 3, 2024, Valley Water filed an application to retrofit the Anderson Dam and to surrender the project exemption for the Anderson Dam Hydroelectric Project, located on Coyote Creek in Santa Clara County, California. The project does not occupy federal lands.

The proposed action includes: (1) the drawdown of the Anderson reservoir to perform a seismic retrofit of the dam which would include removing Anderson Dam in stages and rebuilding the dam and spillway to meet public safety requirements, (2) decommissioning the hydroelectric facility, (3) implementing conservation measures downstream of the dam on Coyote Creek, and (4) surrendering the hydroelectric project exemption. Construction to retrofit the dam would take approximately seven years to complete, proposed to begin in 2026. The proposal includes various environmental monitoring plans, site restoration activities, and mitigation measures including improvements to Ogier Ponds and enhancements to the fish passage facilities at the Coyote Percolation Dam located downstream and outside of the Anderson Dam Hydroelectric Project on Coyote Creek. After the surrender, Valley Water would continue to maintain Anderson Reservoir and the rebuilt dam under specific operational conditions discussed in the surrender application.

The NEPA Process

The NEPA document issued by the Commission will discuss impacts that could occur as a result of the proposed dam retrofit and surrender under the following general resource areas:

- geology and soils
- water quantity
- water quality
- aquatic resources
- terrestrial resources
- threatened and endangered species
- recreation
- land use
- aesthetic resources
- socioeconomics
- cultural resources
- air quality, noise, and greenhouse gases
- environmental justice

A description of specific potential effects resulting from the proposed surrender is included in our Scoping Document. 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 NEPA document.

The U.S. Army Corps of Engineers is a cooperating agency in the preparation of the NEPA document.

The NEPA document will present Commission staff's independent analysis of the issues. Staff will prepare a draft NEPA document which will be issued for public comment. The comment period will be specified in the notice of availability of the NEPA document. Commission staff will consider all timely comments received during the comment period on the draft NEPA document and revise the document, as necessary, before issuing a final NEPA document. The draft and final NEPA document will be available in electronic format in the public record through eLibrary. If eSubscribed, you will receive email notification when environmental documents are issued.

Alternatives Under Consideration

As part of our review in the NEPA document, the Commission will consider a range of reasonable alternatives, which include: alternatives that are technically and economically feasible; meet the purpose and need for the proposed action; and meet the goals of the applicant.[2] Alternatives that do

[2] 40 CFR 1508.1(z)

not meet these requirements will be summarized and dismissed from further consideration in the NEPA document. Staff will also consider the no-action alternative. Currently, we are considering one alternative to the proposed action that potentially meets the above criteria: the applicants' proposed action with staff modifications.

The alternatives we are considering may be expanded based on the comments we receive, provided they meet the required criteria. With this notice, we ask commenters to identify other potential alternatives for consideration.

Additional Information

Additional information about the project is available on the FERC website at *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, excluding the last three digits (*i.e.,* P–5737). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (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.

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.*

If you have further questions, you may also contact Jennifer Ambler at *jennifer.ambler@ferc.gov* or 202–502–8586.

Dated: August 21, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–19202 Filed 8–26–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP24–982–000.

Applicants: Southern Natural Gas Company, L.L.C.

Description: 4(d) Rate Filing: Fuel Tracker Tariff Mechanism Modification and Rate Update to be effective 10/1/2024.

Filed Date: 8/20/24.

Accession Number: 20240820–5087.

Comment Date: 5 p.m. ET 9/3/24.

Docket Numbers: RP24–983–000.

Applicants: Destin Pipeline Company, L.L.C.

Description: 4(d) Rate Filing: Destin Pipeline Tariff Housekeeping Filing to be effective 9/19/2024.

Filed Date: 8/20/24.

Accession Number: 20240820–5110.

Comment Date: 5 p.m. ET 9/3/24.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: August 21, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–19204 Filed 8–26–24; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 12200–01–OW]

Notice of Public Environmental Financial Advisory Board Webinar

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public webinar.

SUMMARY: The United States Environmental Protection Agency (EPA) announces a public webinar of the Environmental Financial Advisory Board (EFAB). The purpose of the webinar will be to explore strategies for leveraging Greenhouse Gas Reduction Fund (GGRF) resources to attract private capital investment in zero emissions transportation projects, with particular focus on low-income and disadvantaged communities (LIDACs). Zero emissions transportation refers to modes of transport that do not produce any direct emissions of pollutants or greenhouse gases during operation. This includes a variety of technologies and approaches aimed at reducing the environmental impact of transportation. During the webinar, invited financial experts will discuss innovative financing models, risk mitigation strategies, and opportunities for scaling up investments in this sector. This webinar is the second in a three-part series that explores strategies for leveraging GGRF resources to attract private capital into GGRF priority sectors. The first webinar, held on July 30, 2024, addressed Net Zero Buildings projects. Written public comments may be provided in advance. No oral public comments will be accepted during the webinar. Please see the **SUPPLEMENTARY INFORMATION** section for further details.

DATES: The webinar will be held on September 19, 2024, from 2 p.m. to 3:30 p.m. Eastern Time.

ADDRESSES: The webinar will be conducted in a virtual format via webcast only. Information to access the webinar will be provided upon registration in advance.

FOR FURTHER INFORMATION CONTACT: Any member of the public who wants information about the webinar may contact Tara Johnson via telephone/voicemail at (202) 564–6186 or email to *efab@epa.gov.* General information concerning the EFAB is available at

https://www.epa.gov/waterfinancecenter/efab.

SUPPLEMENTARY INFORMATION:

Background: The EFAB is an EPA advisory committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, to provide advice and recommendations to the EPA on innovative approaches to funding environmental programs, projects, and activities. Administrative support for the EFAB is provided by the Water Infrastructure and Resiliency Finance Center within the EPA's Office of Water. Pursuant to FACA and EPA policy, notice is hereby given that the EFAB will hold a public webinar for the following purpose: to explore strategies for leveraging GGRF resources to attract private capital investment in zero emissions transportation projects, with particular focus on low-income and disadvantaged communities (LIDACs).

Registration for the Webinar: To register for the webinar, please visit *https://www.epa.gov/waterfinancecenter/efab#meeting.* Interested persons who wish to attend the webinar must register by September 18, 2024. Pre-registration is strongly encouraged.

Availability of Webinar Materials: Webinar materials, including the agenda and associated materials, will be available on the EPA's website at *https://www.epa.gov/waterfinancecenter/efab.*

Procedures for Providing Public Input: Public comment for consideration by the EPA's Federal advisory committees has a different purpose from public comment provided to the EPA program offices. Therefore, the process for submitting comments to a Federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees provide independent advice to the EPA. Members of the public may submit comments on matters being considered by the EFAB for consideration as the Board develops its advice and recommendations to the EPA.

Written Statements: Written statements should be received by September 13, 2024, so that the information can be made available to the EFAB for its consideration prior to the webinar. Written statements should be sent via email to *efab@epa.gov.* Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the EFAB website. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities or to request accommodations for a disability, please register for the webinar and list any special requirements or accommodations needed on the registration form at least 10 business days prior to the webinar to allow as much time as possible to process your request.

Andrew D. Sawyers,

Director, Office of Wastewater Management, Office of Water.

[FR Doc. 2024–19239 Filed 8–26–24; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUICATIONS COMMISSION

[WT Docket No. 24–243; DA 24–789; FR ID 240134]

Information Sought on Sharing the Lower 37 GHz Band in Connection With the National Spectrum Strategy Implementation Plan

AGENCY: Federal Communications Commission.

ACTION: Notice of collection; request for comment.

SUMMARY: In this document, the Federal Communications Commission (Commission) seeks to further develop the record for the 37.0–37.6 GHz band (Lower 37 GHz band) with the goal of informing the forthcoming report mandated by the National Spectrum Strategy (NSS) Implementation Plan. The NSS identified the Lower 37 GHz band for in-depth study to determine how a co-equal, shared-use framework which allows Federal and non-federal operations should be implemented. The comments filed in response will be shared with the National Telecommunications and Information Administration and the Department of Defense to assist in developing the report required by the NSS Implementation Plan.

DATES: Comments may be submitted on or before September 9, 2024.

ADDRESSES: You may submit comments, identified by WT Docket No. 24–243, by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *http://www.fcc.gov/ecfs/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.
- *People with Disabilities:* To request materials in accessible formats for people with disabilities (Braille, large print, computer diskettes, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice).

FOR FURTHER INFORMATION CONTACT: Catherine Schroeder, Broadband Division, Wireless Telecommunications Bureau, at (202) 418–1956 or *Catherine.Schroeder@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document (*Public Notice*), in WT Docket No. 24–243, DA 24–789, released on August 9, 2024. The full text of this document is available at *https://docs.fcc.gov/public/attachments/DA-24-789A1.pdf.*

Information Sought on Sharing the Lower 37 GHz Band in Connection With the National Spectrum Strategy Implementation Plan

With this *Public Notice,* the Wireless Telecommunications Bureau seeks to further develop the record for the 37.0–37.6 GHz band (Lower 37 GHz band) with the goal of informing the forthcoming report mandated by the National Spectrum Strategy (NSS) Implementation Plan. The NSS identified the Lower 37 GHz band for in-depth study to determine how a co-equal, shared-use framework which allows Federal and non-federal operations should be implemented.[1]

[1] National Telecommunications and Information Administration, National Spectrum Strategy at 3, 6–7 (2023), *https://www.ntia.gov/sites/default/files/publications/national_spectrum_strategy_final.pdf* (NSS). National Telecommunications and Information Administration, National Spectrum Strategy Implementation Plan at 6 (2024), *https://www.ntia.gov/sites/default/files/publications/national-spectrum-strategy-implementation-plan.pdf* (NSS Implementation Plan).

The final report with findings is to be completed by November 2024.[2]

Background. In 2016, the Commission, in coordination with the National Telecommunications and Information Administration (NTIA), made the Lower 37 GHz band available for coordinated, co-primary sharing between Federal and non-federal fixed and mobile users and determined that Federal and non-federal users would access the Lower 37 GHz band by registering individual sites through a coordination mechanism that would be developed through government/industry collaboration.[3] In the accompanying *Further Notice of Proposed Rulemaking,* the Commission defined the parameters for a successful coordination mechanism and sought comment on the most appropriate coordination mechanism for the band.[4] In 2018, the Commission noted that the Lower 37 GHz band would innovatively accommodate a variety of use cases and sought comment on utilizing a third-party coordinator or alternatively, implementing a coordination model similar to that used in part 101 point-to-point bands.[5]

National Spectrum Strategy. The NSS identified the Lower 37 GHz Band as a band for further study ''to implement a co-equal, shared-use framework allowing Federal and non-federal users to deploy operations in the band.'' [6] The NSS Implementation Plan established a schedule under which a study of the band would be completed by October 2024 and a final report issued by November 2024.[7] In order to aid in the study of the band and the preparation of the report, the Commission seeks public input on various issues relating to the Lower 37 GHz Band.[8] The record developed in response to this *Public Notice* will be publicly available in WT Docket No. 24–243 and shared with the NTIA, the Department of Defense (DoD), and other interested agencies.

Potential Uses of the Lower 37 GHz Band. The Commission finds that additional information on potential uses of the Lower 37 GHz band would be helpful in the preparation of the Lower 37 GHz Report. The current record on potential uses of the band is limited. While commenters foresee uses including fixed wireless broadband, point-to-point links, Internet of Things networks, device-to-device operations, augmented reality applications, smart cities, smart grids, and as part of private networks,[9] they have not provided much detail about implementation of these services in the band. The Commission therefore asks interested operators to provide specific and updated information on the contemplated uses of the band, to include interdependencies of pairing spectrum bands with the Lower 37 GHz band. The Commission also seeks input regarding the feasibility of Aeronautical Mobile Service (AMS) operations within the band.[10] This information will be helpful as we develop sharing mechanisms for the band. The Commission anticipates that operations offered in the band initially will be point-to-point and point-to-multipoint operations, although other types of operations—including mobile operations—may develop later. The Commission encourages commenters to explain how the various ideas presented below would facilitate or hinder contemplated operations.

Coordination Framework. Under the contemplated framework, proposed operations must be successfully coordinated with the relevant Federal and non-federal operators before they can be registered. A coordination portal, where Federal and non-federal operators could generate phase one coordination contour(s), which identifies if further phase two coordination would be required, has been proposed. The Commission seeks input on the portal's capabilities in all phases and how the coordination portal could be funded. As referenced in the NSS,[11] in 2020 the Commission began intra-governmental collaboration with NTIA and DoD to further define and develop a possible coordination mechanism that permits the innovative type of spectrum sharing envisioned for the band. These conversations focused on balancing the desire to make this spectrum available expeditiously for deployment with the need to protect both Federal and non-federal operations in the band from harmful interference. In addition, the Commission intends that the framework be sufficiently flexible to accommodate multiple uses while also being simple enough to deploy more quickly than other more elaborate sharing mechanisms.

As an outgrowth of prior discussions with representatives from the Commission, NTIA, and DoD, a two-phase process emerged as a possible coordination mechanism to ensure meaningful access to spectrum by later entrants, including Federal entrants, while ensuring adequate protection from harmful interference to incumbents.[12] In the first phase, an interference contour would be drawn around each existing and potential site based on its technical parameters, including transmitter details such as location (latitude and longitude), equivalent isotropic radiated power, antenna height, and antenna azimuth angle. The contour calculation would also take into account propagation loss due to terrain. If the prospective site's contour does not overlap with that of any existing registration, coordination is successful, and registration of the new site may proceed. If there is overlap, there would be a second phase of coordination, in which operators would communicate directly to discuss whether and under what circumstances a placement inside the relevant contours might be feasible. This phase would allow for more advanced interference mitigation techniques, such as antenna directivity, polarization, or shielding to provide solutions in specific situations without requiring a one-size-fits-all approach. The operators would be required to provide technical information on their respective operations [13] and cooperate in good faith to determine whether coexistence would be possible. A dispute resolution process would be established to resolve any disputes that arose during the coordination process. The Commission seeks input on what information should

[2] NSS Implementation Plan at A–12.

[3] *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services,* GN Docket No. 14–177, Report and Order and Further Notice of Proposed Rulemaking, 81 FR 79894, 31 FCC Rcd 8014, 8057–8060, paras. 105, 111, and 113 (2016) (*2016 R&O* or *2016 FNPRM,* as appropriate).

[4] *2016 FNPRM,* 81 FR 58270, 31 FCC Rcd at 8171, paras. 449–450.

[5] *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services,* GN Docket No. 14–177, Third Report and Order, Memorandum Opinion and Order, and Third Further Notice of Proposed Rulemaking, 83 FR 34520, 33 FCC Rcd 5576, 5602, paras. 63–64 (2018) (*2018 FNPRM*).

[6] NSS at 7.

[7] NSS Implementation Plan at A–12.

[8] The Commission notes that another proceeding generated relevant comments regarding potential uses of the Lower 37 GHz band. *See Shared Use of the 42–42.5 GHz Band,* WT Docket No. 23–158, Notice of Proposed Rulemaking, 88 FR 49423, 38 FCC Rcd 6362 (2023).

[9] *See, e.g.*. Comments of Starry, Inc., GN Docket No. 14–177 (filed Sep. 10, 2018); Comments of Qualcomm, Inc., WT Docket No. 23–158 and GN Docket No. 14–177 (filed Aug. 30, 2023) at 4; Comments of NCTA—The internet & Television Association, WT Docket No. 23–158 and GN Docket No. 14–177 (filed Aug. 30, 2023) at 3–4.

[10] A new allocation would be required to allow Aeronautical Mobile Service to operate in the Lower 37 GHz band.

[11] NSS at 7.

[12] *See* Appendix A: Draft Lower 37 GHz Phase 1 Coordination Zone Contour Methodology and Appendix B: Draft Lower 37 GHz Phase 2 Coordination Methodology, attached. The Commission also seeks input on the methodologies contained in these appendices, including the parameters proposed.

[13] DoD contemplates that in some instances there may be complications with data exchange due to data security concerns.

be included within a dispute resolution process. If the second phase of coordination is successfully achieved, the applicant would be permitted to register that particular site.

For non-federal site registrations, the technical details of the proposed site would be part of the registration and publicly available in the Universal Licensing System (ULS). For Federal site registrations, NTIA would maintain the relevant technical details. For non-federal coordination with Federal incumbents, these Federal site registration details would be queried during the first phase of coordination. That query would return either a green light (no contour overlap), or a yellow light (overlapping contours and potential interference risk); for a yellow light result, contact information for the relevant Federal agency would be provided to allow a non-federal applicant to proceed to phase two, as described above. The Commission seeks input on this coordination framework.

Adjacent Band Protection. In the *2016 R&O,* the Commission adopted an out-of-band emission limit that it concluded would ''keep emissions from an UMFUS device into the 36–37 GHz band well below the −10 dBW level specified by footnote US550A,'' noting that the −10 dBW power limit ''was adopted to protect passive sensors in the 36–37 GHz band in accordance with ITU Resolution 752 (WRC–07).'' [14] Under FCC part 30.203, operations are limited to −13 dBm/MHz, which expands to −13 dBW/GHz. Subsequently, Resolution 243 (WRC–19), Table 1, established a −23 dBW/GHz unwanted emission mean power for IMT stations within the frequency band 36–37 GHz.[15] In light of these developments, the Commission seeks input on whether additional measures are needed to protect spaceborne remote passive sensors in the 36–37 GHz band.

Licensing. For non-federal operations, the licensing process would consist of two steps. A non-federal entity seeking to operate in the Lower 37 GHz band would first obtain a nationwide non-exclusive license from the Commission, and then, following successful coordination, would register specific site locations in ULS. All registered site locations would be protected from harmful interference from any subsequent registrations, on a first-come first-served basis.[16] Registered non-federal sites would then generally be required to finish construction and begin operation within 120 days of the date the registration is accepted, or the registration would be cancelled, and the licensee would forfeit their interference protection priority. As discussed above, the Commission anticipates that most sites initially would be either point-to-point links or point-to-multipoint deployments, but this licensing process would potentially be able to accommodate other uses as well. The Commission seeks input on this licensing process.

Priority Access. Consistent with the questions asked in the *2018 FNPRM,*[17] the Commission envisions that the lower 200 megahertz band segment, 37.0–37.2 GHz, would be subject to priority use by DoD and military agency departments. The goal of this priority access would be to ensure that spectrum is available for military deployments, which may be on a longer timescale than commercial deployments. Military interests include pursuing air-to-ground use as part of a future sharing framework for the Lower 37 GHz band. This interest, in part, reflects the physics of the band inasmuch as in the upper atmosphere, the propagation is dominated by line-of-sight paths with reduced obstruction and atmospheric absorption. Given technology advancements since the adoption of the *2016 R&O,* the Commission seeks input on this matter. The Commission also invites suggestions on the conditions under which non-federal users could operate in this portion of the band while maintaining the requisite flexibility for military deployments. For example, allowing non-federal users to register and deploy sites immediately, subject to a condition that they must modify or potentially cease operations in the future if those operations conflict with later military deployments could allow this spectrum to more quickly be put into use. Further, the Commission could impose conditions that specify that non-federal operators would not be protected from harmful interference from subsequent military deployments. The Commission seeks input on implementing priority access.

The Commission seeks input on these and any other suggestions for the use of this band, as we continue to explore options for making this spectrum available for shared use.

Ensuring Widespread Access to Lower 37 GHz Spectrum. Given the limited number of channels available in the Lower 37 GHz band, the variety of potential uses of the band, and the fact that both Federal and non-federal entities will have access to the band, the Commission anticipates that initial demand for the band may exceed the available supply of channels in some areas. The Commission recognizes there is a risk, particularly in larger markets, that future entrants (both Federal and non-federal) may be precluded from accessing the band if the band is fully licensed in the initial licensing phase. On the other hand, the Commission wants operators to put this available spectrum to use quickly—both for non-federal and Federal uses—in order to serve the public interest.

The Commission seeks input on what measures could be taken to control access to the Lower 37 GHz band during the initial site registration phase. For example, during this phase, applicants could be limited to a single 100 megahertz channel per site, which would ensure that multiple operators could access the band. Another possible approach would be to establish accelerated buildout deadlines (*e.g.,* 60 or 90 days) for registrations issued during the initial phase. That would provide some assurance that only *bona fide* operators who are ready to construct and commence operations file site registrations. Finally, to avoid cases where multiple applicants seek to register the same channel, the Commission could reserve the right to grant an applicant a different 100 megahertz channel than the channel it originally sought.

Finally, the Commission seeks input on whether there are alternative measures that should be considered to enable multiple providers to operate in the Lower 37 GHz band.

Federal Communications Commission

John Schauble,

Deputy Division Chief, Broadband Division, Wireless Telecommunications Bureau.

Appendix A

Draft Lower 37 GHZ Phase 1 Coordination Zone Contour Methodology

Overview

Application process initiated and validated at NTIA for Federal users and FCC for non-federal users

Under Phase 1 Coordination:

—Establish coordination zone contour based on station type

—The same technical assumptions will apply to Federal and non-federal users

—Identify overlap between coordination zone contours of existing and proposed systems

[14] *2016 R&O,* 81 FR 79894, 31 FCC Rcd at 8073, para. 156.

[15] Terrestrial component of International Mobile Telecommunications in the frequency bands 37–43.5 GHz and 47.2–48.2 GHz, Resolution 243, WRC–19.

[16] First-in-time priority would apply to both Federal and non-federal operations.

[17] *2018 FNPRM,* 83 FR 34520, 33 FCC Rcd at 5604, para. 68.

—If no overlap in coordination zone contours proposed station approved for licensing (non-federal stations) or frequency authorization (Federal stations), otherwise proceed to Phase 2 (*e.g.,* compatibility analysis performed by operators)
—*Note:* Provide an interference resolution process for non-overlapping contours

1. Point-to-Multipoint Station Coordination Zone Contours

Transmitter Parameters (Provided by Federal and Non-Federal Applicant)

—Equivalent Isotropic Radiated Power (EIRP) (dBm/100 MHz)
—Latitude and Longitude (decimal degrees)
—Antenna Height (meters)

Reference Receiver

—Antenna Height: 10 meters

Coordination Trigger

—Power Spectral Density Threshold (PSDT): −110 dBm/100 MHz

Required Propagation Loss Calculation

—LRequired = EIRP—PSDT
—Irregular Terrain Model (ITM) and ITU–R Recommendation P.676 atmospheric attenuation used to determine distance corresponding to LRequired
—ITM parameters provided in Table 1
—ITU–R P.676 parameters provided in Table 2
—No clutter loss

Coordination Zone Contours

—Use each distance for each radial to establish coordination zone contour

2. Base-to-Mobile Station Coordination Zone Contours

Transmitter Parameters (Provided by Federal and Non-Federal Applicant)

—Equivalent Isotropic Radiated Power (EIRP) (dBm/100 MHz)
—Latitude and Longitude (decimal degrees)
—Antenna Height (meters)

Reference Receiver

—Antenna Height: 1.5 meters

Coordination Trigger

—Power Spectral Density Threshold (PSDT): −110 dBm/100 MHz

Required Propagation Loss Calculation

—LRequired = EIRP—PSDT
—Irregular Terrain Model (ITM) and ITU–R Recommendation P.676 atmospheric attenuation used to determine distance corresponding to LRequired
—ITM parameters provided in Table 1
—ITU–R P.676 parameters provided in Table 2
—No clutter loss

Coordination Zone Contours

—Use each distance for each radial to establish coordination zone contour

3. Coordination Zone Contours for Point-to-Point Stations

Parameters (Provided by Federal and Non-Federal Applicant)

—Equivalent Isotropic Radiated Power (EIRP) (dBm/100 MHz)
—Latitude and Longitude (decimal degrees)
—Transmitter and Receiver Antenna Height (meters)
—Antenna Azimuth Angle (degrees)

Reference Receiver

—Antenna Height: Provided by Applicant

Coordination Trigger

—Power Spectral Density Threshold (PSDT): −110 dBm/100 MHz

Required Propagation Loss Calculation

Key Hole Coordination Zone Contour Distance (Within ±5° of Mainbeam)

—Keyhole Angle: Fixed ±5 degrees with respect to azimuth angle
—LRequired = EIRP—PSDT
—Irregular Terrain Model (ITM) and ITU–R Recommendation P.676 atmospheric attenuation used to determine distance corresponding to LRequired
—ITM parameters provided in Table 1
—ITU–R P.676 parameters provided in Table 2
—No clutter loss

Circular Coordination Zone Contour Distance (±5° to ±15° of Mainbeam)

—LRequired = EIRP—Antenna Discrimination Factor (ADF)—PSDT, where the ADF is 0 dB at 5 degrees off the axis of the main beam of the antenna and increases linearly at 3dB for each additional degree off axis up to 30 dB at 15 degrees off the axis of the main beam of the antenna.
—Irregular Terrain Model (ITM) and ITU–R Recommendation P.676 atmospheric attenuation used to determine distance corresponding to LRequired
—ITM parameters provided in Table 1
—ITU–R P.676 parameters provided in Table 2
—No clutter loss

Circular Coordination Zone Contour Distance (±15° to ±45° of Mainbeam)

—LRequired = EIRP − 30 dB − PSDT
—Irregular Terrain Model (ITM) and ITU–R Recommendation P.676 atmospheric attenuation used to determine distance corresponding to LRequired
—ITM parameters provided in Table 1
—ITU–R P.676 parameters provided in Table 2
—No clutter loss

Circular Coordination Zone Contour Distance (±45° to ±55° of Mainbeam)

—LRequired = EIRP − ADF − PSDT, where the ADF is 30 dB at 45 degrees off the axis of the main beam of the antenna and increases linearly at 1dB for each additional degree off axis up to 40dB at 55 degrees off the axis of the main beam of the antenna.
—Irregular Terrain Model (ITM) and ITU–R Recommendation P.676 atmospheric attenuation used to determine distance corresponding to LRequired
—ITM parameters provided in Table 1
—ITU–R P.676 parameters provided in Table 2
—No clutter loss

Circular Coordination Zone Contour Distance (±55° to ±80° of Mainbeam)

—LRequired = EIRP − 40 dB − PSDT
—Irregular Terrain Model (ITM) and ITU–R Recommendation P.676 atmospheric attenuation used to determine distance corresponding to LRequired
—ITM parameters provided in Table 1
—ITU–R P.676 parameters provided in Table 2
—No clutter loss

Circular Coordination Zone Contour Distance (±80° to ±100° of Mainbeam)

—LRequired = EIRP − ADF − PSDT,, where the ADF is 40 dB at 80 degrees off the axis of the main beam of the antenna and increases linearly at 0.5 dB for each additional degree off axis up to 50 dB at 100 degrees off the axis of the main beam of the antenna.
—Irregular Terrain Model (ITM) and ITU–R Recommendation P.676 atmospheric attenuation used to determine distance corresponding to LRequired
—ITM parameters provided in Table 1
—ITU–R P.676 parameters provided in Table 2
—No clutter loss

Circular Coordination Zone Contour Distance (outside of ±100° of Mainbeam)

—LRequired = EIRP − 50 dB − PSDT
—Irregular Terrain Model (ITM) and ITU–R Recommendation P.676 atmospheric attenuation used to determine distance corresponding to LRequired
—ITM parameters provided in Table 1
—ITU–R P.676 parameters provided in Table 2
—No clutter loss

Coordination Zone Contours

—Use each distance for each radial to establish coordination zone contour starting from system location

TABLE 1—ITM PARAMETERS USED IN COORDINATION ZONE CONTOUR GENERATION [18]

Parameter	Value
Frequency	37 GHz.
Mode	Terrain Dependent.
Transmitter Antenna Height (Above Ground Level)	Provided by Applicant.
Reference Receiver Antenna Height (Above Ground Level)	Point-to-Multipoint: 10 meters Base-to-Mobile: 1.5 meters Point-to-Point: Provided by Applicant.

TABLE 1—ITM PARAMETERS USED IN COORDINATION ZONE CONTOUR GENERATION [18]—Continued

Parameter	Value
Transmitter Location	Latitude (Decimal Degrees) and Longitude (Decimal Degrees).
Mode of Variability	Single Message.
Surface Refractivity	301 N-Units.
Dielectric Constant of Ground	15.
Radio Climate	Continental Temperate.
Reliability	50%.
Confidence	50%.
Terrain Data	United States Geological Survey 1-Second.
Atmospheric Attenuation	Recommendation ITU–R P.676 [19].
Number of Radials	360 (1 Degree Increments).
Spacing Along Radial	30 meters.
Distance Criteria	1st point along radial where the required path loss is achieved.

TABLE 2—ITU–R P.676 PARAMETER INPUTS

Parameter	Value
Frequency	37 GHz.
Air Temperature	23 C.
Surface Atmospheric Pressure	1013.25 hPa.
Ground-level Water Vapor Density	7.5 g/m3.

Station Definitions [20]

Point-to-Multipoint Hub Station. A fixed point-to-multipoint radio station that provides one-way or two-way communication with fixed Point-to-Multipoint Service User Stations.

Point-to-Multipoint Service. A fixed point-to-multipoint radio service consisting of point-to- multipoint hub stations that communicate with fixed point-to-multipoint user stations.

Point-to-Multipoint User Station. A fixed radio station located at users' premises, lying within the coverage area of a Point-to-Multipoint Hub station, using a directional antenna to receive one-way communications from or providing two-way communications with a fixed Point-to- Multipoint Hub Station.

Point-to-point station. A station that transmits a highly directional signal from a fixed transmitter location to a fixed receive location.

Transportable station. Transmitting equipment that communicates with a base station and is not intended to be used while in motion, but rather at stationary locations.

Base station. A fixed station that communicates with mobile or transportable stations.

Mobile station. A station in the mobile service intended to be used while in motion or during halts at unspecified points.[21]

Appendix B

Draft Lower 37 GHZ Phase 2 Coordination Methodology

Overview

The phase two coordination methodology provides guidance to the operators (Federal and non-federal) performing compatibility analysis when there is an overlap in the coordination contours generated in Phase 1.

When phase one contours overlap and trigger phase two coordination, the applicant will contact the incumbent, who should provide a response within 15 working days.

Under Phase 2 Coordination:

—Parties should exchange technical characteristics to perform compatibility analysis.
—Operators should negotiate in good faith and work cooperatively.
—The same Phase 1 technical assumptions will apply to Federal and non-federal users. Additional Phase 2 coordination may apply agreed upon models.
—Applicable propagation terrain and building databases should be used when available.
—Operators should take full advantage of interference mitigation techniques such as antenna directivity, polarization, frequency selection, shielding, site selection, and transmitter power control to facilitate the implementation, operation, compatibility between systems.
—A dispute resolution process will be established by FCC and NTIA to resolve disagreements between operators that arise during the coordination process.

Technical Parameters for Phase 2 Coordination

Table 1 provides the technical parameters to be exchanged between operators for the Lower 37 GHz Phase 2 Coordination. If operators agree, a subset or additional technical parameters can be exchanged for the compatibility analysis.

TABLE 1—PHASE 2 COORDINATION TECHNICAL PARAMETERS

Technical parameter	Units	Comments
Transmitter Geographic Coordinates	Degrees/Minutes/Seconds	
Transmitter Antenna Ground Elevation	Meters	Above Mean Sea Level (as indicated by the USGS terrain database).
Transmitter Antenna Height	Meters	Above Ground Level.

[18] National Telecommunications and Information Administration, NTIA Report 82–100, *A Guide to the Use of the ITS Irregular Terrain Model in the Area Prediction Mode* (April 1982).

[19] Recommendation ITU–R P.676–12, *Attenuation by atmospheric gases and related effects* (Aug. 2019). The model in ITM is limited to an upper frequency limit of 20 GHz. ITM does not explicitly compute gaseous attenuation (the remaining propagation loss models in ITM are not affected by going to higher frequencies). By augmenting (*i.e.,* adding) the basic transmission losses predicted by ITM with the product of the P.676 specific attenuations (dB/km) and the path distance (in consistent units), the basic transmission loss will include gaseous attenuation that is required.

[20] These station definitions are taken from, or based on, the definitions set forth in 47 CFR 30.2.

[21] This station definition is taken from the FCC rules. *See* 47 CFR 2.1.

[22] Emission Bandwidth is synonymous with the definition of occupied bandwidth in the ITU radio regulations and FCC rules—*Occupied bandwidth.* The frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission.

[23] National Spectrum Management Association.

TABLE 1—PHASE 2 COORDINATION TECHNICAL PARAMETERS—Continued

Technical parameter	Units	Comments
Transmitter Power	dBm	
Mainbeam Antenna Gain	dBi	
Equivalent Isotropic Radiated Power	dBm	
Center Frequency	MHz	
Emission Bandwidth [22]	MHz	
Emission Designator	Emission Classification Symbols	
Emission Spectrum	Relative Attenuation (dB) as a Function of Frequency Offset from Center Frequency (MHz).	–3 dB, –20 dB, –60 dB points.
Transmitter Antenna Azimuth of Maximum Gain.	Degrees	With Respect to True North.
Transmitter Antenna Downtilt/Uptilt (Elevation) Angle.	Degrees	With Respect to Horizontal.
Transmit Antenna Polarization		
Transmitter Azimuth Off-Axis Antenna Pattern	dBi as a function of off-axis angle in degrees	Required for all use cases; point-to-point systems should use NSMA [23] Format.
Transmitter Elevation Off-Axis Antenna Pattern	dBi as a function of off-axis angle in degrees	Required for all use cases; point-to-point systems should use NSMA Format.
Transmitter Cable/Insertion Loss	dB	
Receiver Geographic Coordinates (Point to Point Systems Only)	Degrees/Minutes/Seconds	
Receiver Antenna Ground Elevation (Point to Point Systems Only).	Meters	Above Mean Sea Level (as indicated by the USGS terrain database).
Receiver Antenna Height (Point-to-Point Systems Only).	Meters	Above Ground Level.
Receiver Mainbeam Antenna Gain	dBi	
Receiver Threshold/Sensitivity	dBm	Minimum Discernible Single/Criteria.
Receiver Noise Figure	dB	
Receiver IF Selectivity	Relative Attenuation (dB) as a Function of Frequency Offset from Center Frequency (MHz).	–3 dB, –20 dB, –60 dB points.
Receiver Antenna Azimuth of Maximum Gain	Degrees	With Respect to True North.
Receiver Antenna Downtilt/Uptilt (Elevation) Angle.	Degrees	With Respect to Horizontal.
Receive Antenna Polarization		
Receiver Azimuth Off-Axis Antenna Pattern	dBi as a function of off-axis angle in degrees	Required for all use cases; point-to-point systems should use NSMA Format.
Receiver Elevation Off-Axis Antenna Pattern	dBi as a function of off-axis angle in degrees	Required for all use cases; point-to-point systems should use NSMA Format.
Receiver Cable/Insertion Loss	dB	

Interference Criteria for Phase 2 Coordination

The interference criteria for the Phase 2 coordination are set forth in Table 2. If coordinating parties are able to agree on mutually acceptable alternative interference criteria, such alternative criteria may be used in the compatibility analysis.

TABLE 2—PHASE 2 COORDINATION INTERFERENCE CRITERIA USE CASE MATRIX

Applicant use case	Incumbent use case	Interference criteria
B–M	B–M	Receiver Noise—6 dB.
B–M	P–MP	Receiver Noise—6 dB.
B–M	P–P	Receiver Noise—6 dB.
P–MP	P–MP	Receiver Noise—6 dB.
P–MP	B–M	Receiver Noise—6 dB.
P–MP	P–P	Receiver Noise—6 dB.
P–P	P–P	Receiver Noise—6 dB.
P–P	B–M	Receiver Noise—6 dB.
P–P	P–MP	Receiver Noise—6 dB.

Receiver Noise = −114 + 10 Log IFBW + NF (Noise temperature is assumed to be 290 degrees Kelvin (room temperature) for all systems using this band)

IFBW is the receiver 3 dB intermediate frequency bandwidth, in MHz, if available. If not available, emission bandwidth may be used.

NF is the receiver noise figure, in dB

I/N of −6dB, used to determine the interference criteria unless another interference criteria is identified and agreed to by Federal and non-federal operators

Compatibility Analysis

The following general equation will be used to calculate the received interference power at the input of a receiver: [24]

PR = PT + GT + GR − LP − LT − LR − LC − LA − LPol − FDR (1)

where:

PT is the transmitter power (dBm);

EIRP is the equivalent isotropically radiated power of the transmitter (dBm); GT is the transmitter antenna gain in the direction of the receiver (dBi);

GR is the receiver antenna gain in the direction of the receiver (dBi); LP is the basic transmission loss, in the absence of clutter (dB);

LT is the transmitter cable/insertion losses (dB); LR is the receiver cable/insertion losses (dB); LC is the clutter loss (dB);

LA is the atmospheric loss (dB);

LPol is the polarization loss (dB); and

FDR is the Frequency Dependent Rejection (dB)

The compatibility analysis only considers single-entry interference. If operators mutually agree to do so, they may consider aggregate interference.

The computed receiver interference power will be compared to interference criteria to determine whether there is compatibility. The operators may exchange the interference threshold exceedance once the analysis is complete.

The amount in dB that the calculated interference from Equation 1 exceeds the interference criteria specified in Table 2 will be exchanged between the Federal and non-federal users.

Antenna Models

Measured antenna patterns are preferred and should be used whenever available; in their absence, the operators may use modeled antenna patterns provided by the manufacturer, or a model that estimates the antenna pattern.[25]

Propagation Model

To calculate the propagation loss, operators may mutually agree to apply proprietary propagation models, actual measurement data, or other environmental data, consistent with good engineering practices. Both operators must agree on and accept the results of the analysis performed using the agreed-upon methodology. The Phase 2 coordination analysis should not consider worst-case conditions unless otherwise justified.

Coordinating parties may consider the use of open-source propagation models such as ITM and ITU–R P.676.[26] Annex 1 of this document contains the suggested propagation model inputs and application descriptions.

Clutter Loss Model

The operators may mutually agree to use proprietary clutter loss and building height databases. Operators may also consider using ITU–R P.2108, an open-source statistical clutter loss model.

Variation Acceptance in Analysis Results

Using the methodology in this document, it is possible for both operators to produce different analysis results if they choose to implement each model individually. Therefore, the operators are encouraged to exchange analysis results to resolve differences. The FCC and NTIA will establish a dispute resolution process through which operators can discuss their analyses and adjudicate disputes through NTIA and the FCC.

Annex 1

This section provides a brief description of public models that can be used to calculate propagation loss, LP in equation 1. The models herein assume all operations are outdoor and all transmitters and receivers have fixed antenna heights.

ITM + ITU R P. 676

Application

This model might be used to calculate the propagation loss for paths in suburban and rural environments. ITM requires an array of terrain elevations as an input. A terrain database and terrain elevation extraction methods will be required to obtain the terrain elevations. ITM only considers bare-earth obstruction without any building, vegetation or other material clutter losses.

Source Code

NTIA/itm: The Irregular Terrain Model (ITM) (github.com)

TABLE 1—ITM INPUT PARAMETERS

Parameter	Value
Frequency	Operating Frequency (GHz).
Mode	Terrain Dependent.
Transmitter Antenna Height (Above Ground Level)	Provided by Applicant.
Reference Receiver Antenna Height (Above Ground Level)	Point-to-Multipoint: 10 meters Base-to-Mobile: 1.5 meters Point-to-Point: Provided by Applicant.
Transmitter Location	Latitude (Decimal Degrees) and Longitude (Decimal Degrees).
Mode of Variability	Single Message.
Surface Refractivity	301 N-Units.
Dielectric Constant of Ground	15.
Radio Climate	Continental Temperate.
Reliability	50%.
Confidence	50%.

TABLE 3—ITU–R P.676 INPUT PARAMETERS

Parameter	Value
Frequency	37 GHz.
Air Temperature	23 C.
Surface Atmospheric Pressure.	1013.25 hPa.
Ground-level Water Vapor Density.	7.5 g/m3.

[FR Doc. 2024–19081 Filed 8–26–24; 8:45 am]

BILLING CODE 6712–01–P

[24] The link budget analysis approach used is described in Joint Spectrum Center, JSC–CR–10–004, *Communications Receiver Performance Degradation Handbook* (Aug. 11, 2010), Section 2, *available at https://www.ntia.doc.gov/files/ntia/publications/jsc-cr-10-004final.pdf.*

[25] For an active Advanced Antenna System (AAS) in the lower 37 GHz band ITU–R M.2101 contains a possible antenna model for a single element and composite pattern. For non-AAS, ITU–R F.1336 may be considered.

[26] ITU–R P.452 is another open-source propagation model that can be implemented if both parties agree to it.

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0205; Docket No. 2024–0001; Sequence No. 9]

Information Collection; General Services Administration Acquisition Regulation (GSAR); Hazardous Material Information

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, GSA invites the public to comment on a request to review and approve an extension of a previously approved information collection requirement regarding Hazardous Material Information.

DATES: Submit comments on or before: October 28, 2024.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to *http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link ''Comment Now'' that corresponds with ''Information Collection 3090–0205, Hazardous Material Information.'' Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 3090–0205, Hazardous Material Information'' on your attached document.

If your comment cannot be submitted using *regulations.gov,* call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Instructions: Please submit comments only and cite Information Collection 3090–0205, Hazardous Material Information, in all correspondence related to this collection. Comments received generally will be posted without change to *regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *regulations.gov,* approximately two-to-three business days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Ms. Adina Torberntsson, Procurement Analyst, GSA Acquisition Policy Division, via telephone at 720–475–0568, or via email at *adina.torberntsson@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The Federal Hazardous Substance Act and Hazardous Material Transportation Act prescribe standards for packaging of hazardous substances. To meet the requirements of the Acts, the General Services Administration Regulation prescribes provision 552.223–72, Hazardous Material Information, to be inserted in solicitations and contracts that provides for delivery of hazardous materials on a Free On Board (FOB) origin basis.

This information collection will be accomplished by means of the provision which requires the contractor to identify for each National Stock Number (NSN), the DOT Shipping Name, Department of Transportation (DOT) Hazards Class, and whether the item requires a DOT label. Contracting Officers and technical personnel use the information to monitor and ensure contract requirements based on law and regulation.

Properly identified and labeled items of hazardous material allows for appropriate handling of such items throughout GSA's supply chain system. The information is used by GSA, stored in an NSN database and provided to GSA customers. Non-Collection and/or a less frequently conducted collection of the information resulting from GSAR provision 552.223–72 would prevent the Government from being properly notified. Government activities may be hindered from notifying their employees of; (1) All hazards to which they may be exposed; (2) Relative symptoms and appropriate emergency treatment; and (3) Proper conditions and precautions for safe use and exposure.

B. Annual Reporting Burden

Respondents: 563.

Responses per Respondent: 3.

Total Responses: 1,689.

Hours per Response: .5.

Total Burden Hours: 844.5.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary, whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 3090–0205, Hazardous Material Information, in all correspondence.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2024–19166 Filed 8–26–24; 8:45 am]

BILLING CODE 6820–61–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0262; Docket No. 2024–0001; Sequence No. 6]

Submission for OMB Review; of Products With Environmental Attributes

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of an information collection requirement regarding identification of products with environmental attributes.

DATES: *Submit comments on or before:* September 26, 2024.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'', or by using the search function.

FOR FURTHER INFORMATION CONTACT: Ms. Adina Torberntsson, Program Analyst, General Services Acquisition Policy Division, GSA, via email to *adina.torberntsson@gsa.gov* or 720–475–0568.

SUPPLEMENTARY INFORMATION:

A. Purpose

The General Services Administration requires contractors holding Multiple Award Schedule Contracts to identify in their GSA price lists those products that they market commercially that have environmental attributes in accordance with GSAR clause 552.238–78. The identification of these products will enable Federal agencies to maximize the use of these products and meet the responsibilities expressed in statutes and executive order.

B. Annual Reporting Burden

Respondents: 934.
Responses per Respondent: 1.
Annual Responses: 934.
Hours per Response: 1.
Total Burden Hours: 934.

C. Public Comments

A 60-day notice was published in the **Federal Register** at 89 FR 52052 on June 21, 2024. No comments were received.

Obtaining Copies of Proposals: Requesters may obtain a copy of the

information collection documents from the Regulatory Secretariat Division by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 3090–0262, Identification of Products with Environmental Attributes, in all correspondence.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy, General Services Administration.

[FR Doc. 2024–19170 Filed 8–26–24; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–370 and CMS–377]

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 September 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:* Reinstatement without change of a previously approved collection; *Titles of Information Collection:* ASC Forms for Medicare Program Certification; *Use:* The form CMS–370 titled ''Health Insurance Benefits Agreement'' is used for the purpose of establishing an ASC's eligibility for payment under Title XVIII of the Social Security Act (the ''Act''). This agreement, upon acceptance by the Secretary of Health & Human Services, shall be binding on the ASC and the Secretary. The agreement may be terminated by either party in accordance with regulations. In the event of termination of this agreement, payment will not be available for the ASC's services furnished to Medicare beneficiaries on or after the effective date of termination.

The CMS–377 form is used by ASCs to initiate both the initial and renewal survey by the State Survey Agency, which provides the certification required for an ASC to participate in the Medicare program. An ASC must complete the CMS–377 form and send it to the appropriate State Survey Agency prior to their scheduled accreditation renewal date. The CMS–377 form provides the State Survey Agency with information about the ASC facility's characteristics, such as, determining the size and the composition of the survey team on the basis of the number of ORs/procedure rooms and the types of surgical procedures performed in the ASC. *Form Numbers:* CMS–370 and CMS–377 (OMB control number: 0938–0266); *Frequency:* Occasionally; *Affected Public:* Private Sector—Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 1,711; *Total Annual Responses:* 1,711; *Total Annual Hours:* 1,559. (For policy questions regarding this collection contact Caroline Gallaher at 410–786–8705.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024–19220 Filed 8–26–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10379]

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 September 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:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* Rate Increase Disclosure and Review Requirements (45 CFR part 154); *Use:* 45 CFR part 154 implements the annual review of proposed increases in premiums for health insurance coverage called for by section 2794 of the Public Health Service Act (PHS Act). The regulation established a rate review program to ensure that all rate increases that meet or exceed an established threshold are reviewed by a state or the Centers for Medicare & Medicaid Services (CMS) to determine whether the proposed rate increases are unreasonable. Each state or CMS also reviews all proposed rate changes from issuers offering non-grandfathered health insurance coverage in the individual and/or small group markets for compliance with the Federal rating rules at sections 2701, 2705, 2717(c)(4), and 2753 of the PHS Act, section 1312(c) of the Affordable Care Act, and 45 CFR 147.102, 147.110, 148.180, and 156.80. Accordingly, issuers offering non-grandfathered health insurance coverage in the individual and/or small group markets are required to submit Rate Filing Justifications to CMS. 45 CFR 154.103 exempts grandfathered health plan coverage as defined in 45 CFR 147.140, excepted benefits as described in section 2791(c) of the PHS Act and student health insurance coverage, as defined in § 147.145, from Federal rate review requirements.

The Rate Filing Justification consists of three parts. All issuers must continue to submit a Uniform Rate Review Template (URRT) (Part I of the Rate Filing Justification) for all single risk pool plans. 45 CFR 154.200(a)(1) establishes a 15 percent federal default threshold for reasonableness review. Issuers that submit a rate filing that includes a plan with a proposed rate increase that meets or exceeds the threshold must include a written description justifying the rate increase, also known as the consumer justification narrative (Part II of the Rate Filing Justification). We note that the threshold set by CMS constitutes a minimum standard, and most states currently employ stricter rate review standards and may continue to do so. Issuers offering a QHP or any single risk pool submission containing a rate increase of any size must continue to submit an actuarial memorandum (Part III of the Rate Filing Justification). The actuarial memorandum is required whenever a state with an Effective Rate Review Program, as determined in accordance with 45 CFR 154.301, requires it to be submitted, and for all plans in states that do not have an Effective Rate Review Program. *Form Number:* CMS–10379 (OMB control number: 0938–1141); *Frequency:* Annually; *Affected Public:* Private Sector; Businesses or other for-profits, Not-for-profit institutions, State, Local, or Tribal Governments; *Number of Respondents:* 620; *Number of Responses:* 2,551; *Total Annual Hours:* 46,102. (For policy questions regarding this collection, contact Keith McNamara at 410–786–7010.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024–19184 Filed 8–26–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10398]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services.

ACTION: Notice of request for reinstatement of a previously approved information collection.

SUMMARY: On May 28, 2010, the Office of Management and Budget (OMB) issued Paperwork Reduction Act (PRA) guidance related to the ''generic'' clearance process. Generally, this is an expedited clearance process by which agencies may obtain OMB's approval of collection of information requests that are ''usually voluntary, low-burden, and uncontroversial,'' do not raise any substantive or policy issues, and do not require policy or methodological review. The process requires the submission of an overarching plan that defines the scope of the individual collections that may be submitted under that umbrella. This notice is intended to advise the public of our intent to reinstate OMB's approval of our generic umbrella (CMS–10398, OMB control number 0938–1148) and all of the individual generic collection of information requests that fall under that umbrella. This notice also provides the public with general instructions for obtaining documents that are associated with such collections and for submitting comments.

DATES: Comments must be received by September 26, 2024.

ADDRESSES:

Submitting Comments. When commenting, please reference the applicable collection's CMS ID number and/or the OMB control number (both numbers are listed below under the **SUPPLEMENTARY INFORMATION** caption). To be assured consideration, comments and recommendations must be submitted in any one of the following ways and by the applicable due date:

1. *Electronically.* We encourage you to submit comments through the Federal eRulemaking portal at the applicable web address listed below under the **SUPPLEMENTARY INFORMATION** caption under ''Docket Information.'' If needed, instructions for submitting such comments can be found on that website.

2. *By regular mail.* Alternatively, you can submit written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs (OSORA), Division of Regulations Development, Attention: CMS–10398/OMB 0938–1148, Room C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Obtaining Documents. To obtain copies of supporting statements and any related forms and supporting documents for the collections listed in this notice, we encourage you to access the Federal eRulemaking portal at the applicable web address listed below under the **SUPPLEMENTARY INFORMATION** caption under ''*Docket Information*'' and ''Docket Web Address'' If needed, follow the online instructions for accessing the applicable docket and the documents contained therein.

FOR FURTHER INFORMATION CONTACT: For general information contact William N. Parham at 410–786–4669. For policy related questions contact the individual listed below under the **SUPPLEMENTARY INFORMATION** caption under ''*Docket Information.*''

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from OMB for each collection of information that they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c). Generally, it applies to voluntary and mandatory requirements that are related to any one or more of the following activities: the collection of information, the reporting of information, the disclose of information to a third-party, and/or recordkeeping.

While there are some exceptions (such as collections having non-substantive changes and collections requesting emergency approval) section 3506(c)(2)(A) of the PRA requires that federal agencies publish 60- and 30-day notices in the **Federal Register** and solicit comment on each of its proposed collections of information, including: new collections, extensions of existing collections, revisions of existing collections, and reinstatements of previously approved collections before submitting such collections to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Interested parties are invited to submit comments regarding our burden estimates or any other aspect of the collection, including: the necessity and utility of the proposed information collection for the proper performance of our agency's functions; the accuracy of burden estimates; 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. See **DATES** and **ADDRESSES** for instructions for submitting comments.

While we will review all comments received, we may choose not to post off-topic or inappropriate comments. Otherwise, all comments will be posted without edit under the applicable docket number, including any personal information that the commenter provides. Our response to such comments will be posted at *reginfo.gov* under the applicable OMB control number.

Generic Umbrella for Medicaid and CHIP State Plan, Waiver, and Program Submissions

At this time, our collection is made up of the main umbrella (see collection number 1 in the following list) and fifty individual generic collections of information (see collection numbers 2 through 51 in the following list). Details such as the collection's requirements and burden estimates can be found in the collection's supporting statement and associated materials (see **ADDRESSES** for instructions for obtaining such documents).

While this notice announces our request to reinstate a previously approved information collection, we are seeking reinstatement under OMB control number 0938–1148. A large portion of the individual generic collection of information requests are currently active and approved by OMB under control number 0938–1476 which is set to expire on December 31, 2024. To avoid duplication and keep the individual generic collections in their proper home, we intend to discontinue 0938–1476 when 0938–1148 is approved by OMB.

Docket Information

1. Title: Generic Clearance for Medicaid and CHIP State Plan, Waiver, and Program Submissions

Type of Request: Reinstatement of a previously approved collection.
CMS ID Number: CMS–10398.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number: CMS–2024–0029.
Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0029.
For Policy Related Questions Contact: William N. Parham at 410–786–4669.

2. Title: CHIP Annual Report Template System (CARTs)

Type of Request: Reinstatement of a previously approved information collection.
CMS ID Number: CMS–10398 #1.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number: CMS–2024–0030.
Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0030.
For Policy Related Questions Contact: Gigi Raney at 410–786–6117.

3. Title: Medicaid Managed Care Data Collection

Type of Request: Reinstatement of a previously approved information collection.
CMS ID Number: CMS–10398 #2.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number: CMS–2024–0031.
Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0031.
For Policy Related Questions Contact: Alexis Gibson at 410–786–2813.

4. Title: Medicaid Payment Suspensions

Type of Request: Reinstatement of a previously approved information collection.
CMS ID Number: CMS–10398 #5.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number: CMS–2024–0032.
Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0032.
For Policy Related Questions Contact: Vikki Guarisco at 443–764–4776.

5. Title: Cycle IV (AI/AN Round II Outreach & Enrollment Grant Final Report Addendum) and Cycle V (Connecting Kids to Coverage Outreach and Enrollment Semi-Annual and Final

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #7.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number: CMS–2024–0033.
Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0033.
For Policy Related Questions Contact: Stephanie Bell at 410–786–0617.

6. Title: Application for Section 1915(b)(4) Waiver—Fee For Service Selective Contracting Program

Type of Request: Reinstatement of a previously approved information collection.
CMS ID Number: CMS–10398 #9.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number: CMS–2024–0034.
Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0034.
For Policy Related Questions Contact: Rebecca Burch Mack at 303–844–7355.

7. Title: Section 1115 Demonstration and Waiver Application

Type of Request: Reinstatement of a previously approved information collection.
CMS ID Number: CMS–10398 #10.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number: CMS–2024–0035.
Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0035.
For Policy Related Questions Contact: Teresa DeCaro at 202–384–6309.

8. Title: MAGI-Based Eligibility Verification Plan

Type of Request: Reinstatement of a previously approved information collection.
CMS ID Number: CMS–10398 #11.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number: CMS–2024–0036.
Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0036.
For Policy Related Questions Contact: Martin Burian at 410–786–3246.

9. Title: Medicaid Accountability—Nursing Facility, Outpatient Hospital and Inpatient Hospital Upper Payment Limits

Type of Request: Reinstatement of a previously approved information collection.
CMS ID Number: CMS–10398 #13.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number: CMS–2024–0037.
Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0037.
For Policy Related Questions Contact: Richard Kimball at 410–786–2278.

10. Title: Federally-Facilitated Marketplace (FFM) Integration Data Collection Tool

Type of Request: Reinstatement of a previously approved information collection.
CMS ID Number: CMS–10398 #16.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number: CMS–2024–0039.
Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0039.
For Policy Related Questions Contact: Pascale Ghafari at 410–786–0719.

11. Title: CHIP State Plan Eligibility

Type of Request: Reinstatement of a previously approved information collection.
CMS ID Number: CMS–10398 #17.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number: CMS–2024–0040.
Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0040.
For Policy Related Questions Contact: Joyce Jordan at 410–786–3413.

12. Title: FMAP Claiming State Plan Amendment

Type of Request: Reinstatement of a previously approved information collection.
CMS ID Number: CMS–10398 #21.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number: CMS–2024–0042.
Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0042.
For Policy Related Questions Contact: Robert Lane at 410–786–2015.

13. Title: Medicaid Accountability—UPL ICF/IID, Clinic Services, Medicaid Qualified Practitioner Services and Other Inpatient & Outpatient Facility Providers

Type of Request: Reinstatement of a previously approved information collection.
CMS ID Number: CMS–10398 #24.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number: CMS–2024–0044.
Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0044.
For Policy Related Questions Contact: Richard Kimball at 410–786–2278.

14. Title: MAGI Conversion Plan Part 2

Type of Request: Reinstatement of a previously approved information collection.
CMS ID Number: CMS–10398 #27.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number: CMS–2024–0046.
Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0046.
For Policy Related Questions Contact: Martin Burian at 410–786–3246.

15. Title: MMIS APD Template NCCI Coding Initiative

Type of Request: Reinstatement of a previously approved information collection.
CMS ID Number: CMS–10398 #28.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number: CMS–2024–0047.
Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0047.
For Policy Related Questions Contact: Wendy Alexander at 410–786–5245.

16. Title: Medicaid Cost Sharing

Type of Request: Reinstatement of a previously approved information collection.
CMS ID Number: CMS–10398 #29.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number: CMS–2024–0048.
Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0048.
For Policy Related Questions Contact: Stephanie Bell at 410–786–0617.

17. Title: State Reporting Medicaid Payment Suspension

Type of Request: Reinstatement of a previously approved information collection.
CMS ID Number: CMS–10398 #30.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number: CMS–2024–0049.
Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0049.
For Policy Related Questions Contact: Wendy Alexander at 410–786–5245.

18. Title: Statewide HCBS Transition Plans

Type of Request: Reinstatement of a previously approved information collection.
CMS ID Number: CMS–10398 #31.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number: CMS–2024–0050.
Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0050.
For Policy Related Questions Contact: Michele MacKenzie at 410–786–5929.

19. Title: Provider-Preventable Conditions Under 42 CFR 438.6 and 447.26 and Title 2702 Non-Payment Preprint (Attachment 4.19)

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #32.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0051.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0051.

For Policy Related Questions Contact: Andrew Badaracco at 410–786–4589.

20. Title: Opportunity for Families of Disabled Children To Purchase Medicaid Coverage for Such Children (DRA 6062)

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #33.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0053.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0053.

For Policy Related Questions Contact: Martin Burian at 410–786–3246.

21. Title: Model Application Template and Instructions for State Child Health Plan Under Title XXI of the Social Security Act, State Children's Health Insurance Program

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #34.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0054.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0054.

For Policy Related Questions Contact: Chanelle Parker at 667–290–9798.

22. Title: Eligibility and Enrollment Performance Indicators

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #35.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0055.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0055.

For Policy Related Questions Contact: Vikki Guarisco at 443–764–4776.

23. Title: Managed Care Rate Setting Guidance

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #37.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0056.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0056.

For Policy Related Questions Contact: Rebecca Burch Mack at 303–844–7355.

24. Title: Section 223 Demonstration Programs To Improve Community Mental Health Services

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #43.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0057.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0057.

For Policy Related Questions Contact: Beverly Boston at 410–786–4186.

25. Title: 1915(i) State Plan Home and Community Based Services

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #46.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0059.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0059.

For Policy Related Questions Contact: Kathy Poisal at 410–786–5940.

26. Title: Section 223 Demonstration Programs to Improve Community Mental Health Services

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #48.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0061.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0061.

For Policy Related Questions Contact: Beverly Boston at 410–786–4186.

27. Title: Community First Choice State Plan

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #50.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0062.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0062.

For Policy Related Questions Contact: Adrienne Delozier at 410–786–0278.

28. Title: Fast Track Federal Review Process for Section 1115 Medicaid and CHIP Demonstration Extensions

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #51.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0063.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0063.

For Policy Related Questions Contact: Teresa DeCaro at 202–384–6309.

29. Title: Delivery System and Provider Payment Initiatives Under Medicaid Managed Care Products

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #52.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0064.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0064.

For Policy Related Questions Contact: John Giles at 667–290–8626.

30. Title: Section 1115 Substance Use Disorder (SUD) Demonstration: Guide for Developing Implementation Plan Protocols

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #53.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0065.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0065.

For Policy Related Questions Contact: Theresa DeCaro at 202–384–6309.

31. Title: Electronic Visit Verification (EVV) Good Faith Effort Exemption Requests

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #54.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0066.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0066.

For Policy Related Questions Contact: Ryan Shannahan at 410–786–0295.

32. Title: Limit on Federal Financial Participation for Durable Medical Equipment in Medicaid

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #55.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0067.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0067.

For Policy Related Questions Contact: Richard Kimball at 410–786–2278.

33. Title: Section 1115 Demonstration: Budget Neutrality Workbook

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #56.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0068.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0068.

For Policy Related Questions Contact: Theresa DeCaro at 202–384–6309.

34. Title: Section 1115 Substance Use Disorder (SUD) Demonstration: Monitoring Reports Documents and Templates

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #57.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0069.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0069.

For Policy Related Questions Contact: Theresa DeCaro at 202–384–6309.

35. Title: Medicaid Section 1115 Eligibility and Coverage Demonstration Implementation Plan and Monitoring Reports Documents and Templates

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #58.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0070.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0070.

For Policy Related Questions Contact: Theresa DeCaro at 202–384–6309.

36. Title: Medicaid Section 1115 Severe Mental Illness and Children with Serious Emotional Disturbance Demonstrations

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #59.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0071.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0071.

For Policy Related Questions Contact: Theresa DeCaro at 202–384–6309.

37. Title: Medicaid Disaster Relief for the COVID–19 National Emergency State Plan Amendment Template and Instructions

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #61.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0073.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0073.

For Policy Related Questions Contact: Anne Marie Costello at 410–786–5075.

38. Title: Data Collection for Section 1003 of the SUPPORT Act

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #62.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0074.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0074.

For Policy Related Questions Contact: Melanie Brown at 410–786–1095.

39. Title: 1932(a) State Plan Amendment Template

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #63.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0075.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0075.

For Policy Related Questions Contact: Amy Gentile at 410–786–3499.

40. Title: Federal Meta-Analysis Support: Section 1115 Substance Use Disorder Demonstrations

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #64.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0076.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0076.

For Policy Related Questions Contact: Danielle Daly at 410–786–0897.

41. Title: Medicaid and CHIP COVID 19 Public Health Emergency Unwinding Reports

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #66.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0077.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0077.

For Policy Related Questions Contact: Jessica Stephens at 410–786–3341.

42. Title: Section 1006(b) of the SUPPORT Act: Medicaid Assisted Treatment (MAT)

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #68.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0078.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0078.

For Policy Related Questions Contact: Kirsten Jensen at 410–786–8146.

43. Title: Reporting Requirements for Additional Funding for Medicaid HCBS During the COVID–19 Emergency

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #69.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0079.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0079.

For Policy Related Questions Contact: Stephanie Bell at 410–786–0617.

44. Title: Reporting Requirements for State Planning Grants for Qualifying Community Based Mobile Crisis Intervention Services During the COVID–19 Emergency

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #71.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0080.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0080.

For Policy Related Questions Contact: Effie George at 410–786–8639.

45. Title: Expressions of Interest in the Infant Well-Child Visit Affinity Group

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #72.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0081.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0081.

For Policy Related Questions Contact: Kristin Zycherman at 410–786–6974.

46. Title: Supplemental Payment Reporting Under the Consolidated Appropriations Act, 2021

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #73.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0082.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0082.

For Policy Related Questions Contact: Richard Kimball at 410–786–2278.

47. Title: Coverage of Routine Patient Cost for Items & Services in Qualifying Clinical Trials

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #74.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0083.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0083.

For Policy Related Questions Contact: Myla Adams at 410–786–8107.

48. Title: ARP 1135 State Plan Amendment

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #75.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0084.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0084.

For Policy Related Questions Contact: Kirsten Jensen at 410–786–8146.

49. Title: Expressions of Interest in the Improving Maternal Health by Reducing Low-Risk Cesarean Delivery Affinity Group

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #76.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0085.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0085.

For Policy Related Questions Contact: Richard Kimball at 410–786–2278.

50. Title: COVID–19 Risk Corridor Reconciliation Reporting Template

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #79.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0086.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0086.

For Policy Related Questions Contact: Elizabeth Jones at 410–786–7111.

51. Title: Improving Quality of Care and Outcomes Data for Pregnant Medicaid Beneficiaries and Newborn Infants through Linkage and Evaluation of VR, BC, DC, and TAF

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #81.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number: CMS–2024–0172.

Docket Web Address: https://www.regulations.gov/docket/CMS-2024-0172.

For Policy Related Questions Contact: Ali Fokar at 410–786–0020.

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024–19228 Filed 8–26–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–P–1131]

Determination That DILTIAZEM HYDROCHLORIDE IN DEXTROSE 5% (Diltiazem Hydrochloride), 125 Milligrams/125 Milliliters (1 Milligram/Milliliter) and 250 Milligrams/250 Milliliters (1 Milligram/Milliliter), Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined that DILTIAZEM HYDROCHLORIDE IN DEXTROSE 5% (diltiazem hydrochloride (HCl)), 125 milligrams (mg)/125 milliliters (mL) (1 mg/mL) and 250 mg/250 mL (1 mg/mL), was not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDAs) for diltiazem HCl, 125 mg/125 mL (1 mg/mL) and 250 mg/250 mL (1 mg/mL), if all other legal and regulatory requirements are met.

FOR FURTHER INFORMATION CONTACT: Neerja Razdan, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6217, Silver Spring, MD 20993–0002, *Neerja.Razdan@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(j)) allows the submission of an ANDA to market a generic version of a previously approved drug product. To obtain approval, the ANDA applicant must show, among other things, that the generic drug product: (1) has the same active ingredient(s), dosage form, route of administration, strength, conditions of use, and (with certain exceptions) labeling as the listed drug, which is a version of the drug that was previously approved, and (2) is bioequivalent to the listed drug. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

Section 505(j)(7) of the FD&C Act requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA

regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (§ 314.162 (21 CFR 314.162)).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

DILTIAZEM HYDROCHLORIDE IN DEXTROSE 5% (diltiazem HCl), 125 mg/125 mL (1 mg/mL) and 250 mg/250 mL (1 mg/mL), is the subject of NDA 215252, held by Exela Pharma Sciences, LLC, and initially approved on October 28, 2021. DILTIAZEM HYDROCHLORIDE IN DEXTROSE 5% is indicated for the following: (1) temporary control of rapid ventricular rate in atrial fibrillation or atrial flutter; and (2) rapid conversion of paroxysmal supraventricular tachycardias to sinus rhythm.

DILTIAZEM HYDROCHLORIDE IN DEXTROSE 5% (diltiazem HCl), 125 mg/125 mL (1 mg/mL) and 250 mg/250 mL (1 mg/mL), is currently listed in the ''Discontinued Drug Product List'' section of the Orange Book. In previous instances (see, *e.g.,* 72 FR 9763 (March 5, 2007), 61 FR 25497 (May 21, 1996)), the Agency has determined that, for purposes of §§ 314.161 and 314.162, never marketing an approved drug product is equivalent to withdrawing the drug from sale.

Fresenius Kabi USA, LLC submitted a citizen petition dated March 5, 2024 (Docket No. FDA–2024–P–1131), under 21 CFR 10.30, requesting that the Agency determine whether DILTIAZEM HYDROCHLORIDE IN DEXTROSE 5% (diltiazem HCl), 125 mg/125 mL (1 mg/mL) and 250 mg/250 mL (1 mg/mL), was withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that DILTIAZEM HYDROCHLORIDE IN DEXTROSE 5% (diltiazem HCl), 125 mg/125 mL (1 mg/mL) and 250 mg/250 mL (1 mg/mL), was not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that DILTIAZEM HYDROCHLORIDE IN DEXTROSE 5% (diltiazem HCl), 125 mg/125 mL (1 mg/mL) and 250 mg/250 mL (1 mg/mL), was withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of DILTIAZEM HYDROCHLORIDE IN DEXTROSE 5% (diltiazem HCl), 125 mg/125 mL (1 mg/mL) and 250 mg/250 mL (1 mg/mL), from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have reviewed the available evidence and determined that this drug product was not withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list DILTIAZEM HYDROCHLORIDE IN DEXTROSE 5% (diltiazem HCl), 125 mg/125 mL (1 mg/mL) and 250 mg/250 mL (1 mg/mL), in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. FDA will not begin procedures to withdraw approval of approved ANDAs that refer to this drug product. Additional ANDAs for this drug product may also be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: August 22, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–19233 Filed 8–26–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–3925]

Authorization of Emergency Use of a Freeze-Dried Plasma Product for Treatment of Hemorrhage or Coagulopathy During an Emergency Involving Agents of Military Combat; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of an Emergency Use Authorization (EUA) (the Authorization) under the Federal Food, Drug, and Cosmetic Act (FD&C Act) for use of a freeze-dried plasma product, octaplasLG Powder, for emergent treatment of hemorrhage or coagulopathy during an emergency involving agents of military combat (*e.g.,* firearms, projectiles, and explosive devices) when plasma is not available for use or when the use of plasma is not practical.

DATES: The Authorization is effective as of August 8, 2024.

ADDRESSES: Submit written requests for single copies of the EUA to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist the office in processing your request or include a fax number to which the Authorization may be sent. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the Authorization.

FOR FURTHER INFORMATION CONTACT: Andrew C. Harvan, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

Section 564 of the FD&C Act (21 U.S.C. 360bbb–3) as amended by the Project BioShield Act of 2004 (Pub. L. 108–276), the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013 (Pub. L. 113–5), 21st Century Cures Act (Pub. L. 114–255), and Public Law 115–92 (2017), allows FDA to strengthen the public health protections against biological, chemical, nuclear, and radiological agents and other agents that may cause, or are otherwise associated with, an imminently life-threatening and specific risk to U.S. military forces. Among other actions, section 564 of the FD&C Act allows FDA to authorize the use of an unapproved medical product or an unapproved use of an approved medical product in certain situations. With this EUA authority, FDA can help ensure that medical countermeasures may be used in emergencies to diagnose, treat, or prevent serious or life-threatening diseases or conditions caused by biological, chemical, nuclear, or radiological agents and other agents that may cause, or are otherwise associated with, an imminently life-threatening

and specific risk to U.S. military forces when there are no adequate, approved, and available alternatives (among other criteria).

II. Criteria for EUA Authorization

Section 564(b)(1) of the FD&C Act provides that, before an EUA may be issued, the Department of Health and Human Services (HHS) Secretary must declare that circumstances exist justifying the authorization based on one of the following grounds: (1) a determination by the Secretary of Homeland Security that there is a domestic emergency, or a significant potential for a domestic emergency, involving a heightened risk of attack with a biological, chemical, radiological, or nuclear agent or agents; (2) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to U.S. military forces, including personnel operating under the authority of title 10 or title 50, United States Code, of attack with (i) a biological, chemical, radiological, or nuclear agent or agents; or (ii) an agent or agents that may cause, or are otherwise associated with, an imminently life-threatening and specific risk to U.S. military forces; [1] (3) a determination by the Secretary of HHS that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of U.S. citizens living abroad, and that involves a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be attributable to such agent or agents; or (4) the identification of a material threat by the Secretary of Homeland Security under section 319F–2 of the Public Health Service (PHS) Act (42 U.S.C. 247d–6b) sufficient to affect national security or the health and security of U.S. citizens living abroad.

Once the Secretary of HHS has declared that circumstances exist justifying an authorization under section 564 of the FD&C Act, FDA may authorize the emergency use of a drug, device, or biological product if the Agency concludes that the statutory criteria are satisfied. Under section 564(h)(1) of the FD&C Act, FDA is required to publish in the **Federal Register** a notice of each authorization, and each termination or revocation of an authorization, and an explanation of the reasons for the action. Under section 564(h)(1) of the FD&C Act, revisions to an authorization shall be made available on the internet website of FDA. Section 564 of the FD&C Act permits FDA to authorize the introduction into interstate commerce of a drug, device, or biological product intended for use when the Secretary of HHS has declared that circumstances exist justifying the authorization of emergency use. Products appropriate for emergency use may include products and uses that are not approved, cleared, or licensed under sections 505, 510(k), 512, or 515 of the FD&C Act (21 U.S.C. 355, 360(k), 360b, and 360e) or section 351 of the PHS Act (42 U.S.C. 262), or conditionally approved under section 571 of the FD&C Act (21 U.S.C. 360ccc).

FDA may issue an EUA only if, after consultation with the HHS Assistant Secretary for Preparedness and Response, the Director of the National Institutes of Health, and the Director of the Centers for Disease Control and Prevention (to the extent feasible and appropriate given the applicable circumstances), FDA [2] concludes: (1) that an agent referred to in a declaration of emergency or threat can cause a serious or life-threatening disease or condition; (2) that, based on the totality of scientific evidence available to FDA, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that: (A) the product may be effective in diagnosing, treating, or preventing (i) such disease or condition or (ii) a serious or life-threatening disease or condition caused by a product authorized under section 564, approved or cleared under the FD&C Act, or licensed under section 351 of the PHS Act, for diagnosing, treating, or preventing such a disease or condition caused by such an agent; and (B) the known and potential benefits of the product, when used to diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product, taking into consideration the material threat posed by the agent or agents identified in a declaration under section 564(b)(1)(D) of the FD&C Act, if applicable; (3) that there is no adequate, approved, and available alternative to the product for diagnosing, preventing, or treating such disease or condition; (4) in the case of a determination described in section 564(b)(1)(B)(ii) of the FD&C Act, that the request for emergency use is made by the Secretary of Defense; and (5) that such other criteria as may be prescribed by regulation are satisfied.

No other criteria for issuance have been prescribed by regulation under section 564(c)(4) of the FD&C Act.

III. The Authorization

On June 7, 2018, the Deputy Secretary of Defense determined that ''there is a military emergency or significant potential for a military emergency, involving a heightened risk to U.S. military forces of an attack with an agent or agents that may cause, or are otherwise associated with an imminently life-threatening and specific risk to those forces.'' The Deputy Secretary of Defense further stated that, ''[m]ore specifically, U.S. [f]orces are now deployed in multiple locations where they serve at heightened risk of an enemy attack with agents of military combat, including firearms, projectiles, and explosive devices, that may cause major and imminently life-threatening combat casualties involving uncontrolled hemorrhage.'' On July 9, 2018, under section 564(b)(1) of the FD&C Act, and on the basis of such determination, the Secretary of HHS declared that circumstances exist justifying the authorization of emergency use of freeze-dried plasma for the treatment of hemorrhage or coagulopathy during an emergency involving agents of military combat (*e.g.,* firearms, projectiles, and explosive devices) when plasma is not available for use or when the use of plasma is not practical, subject to the terms of any authorization issued under section 564 of the FD&C Act. Notice of the declaration of the Secretary of HHS was published in the **Federal Register** on July 16, 2018 (83 FR 32884) and a correction was published in the **Federal Register** on July 31, 2018 (83 FR 36941).

On February 22, 2024, Octapharma Pharmazeutika Produktionsges.m.b.H. (Octapharma) submitted a complete EUA request for octaplasLG Powder. Having concluded that the criteria for issuance of the Authorization under section 564(c) of the FD&C Act are met, on August 8, 2024, FDA issued an EUA for octaplasLG Powder, manufactured by Octapharma, subject to the terms of the Authorization. The Authorization in its entirety (not including the authorized versions of the fact sheets and other written materials) follows and provides an explanation of the reasons for issuance, as required by section 564(h)(1) of the FD&C Act.

IV. Electronic Access

An electronic version of this document and the full text of the

[1] In the case of a determination by the Secretary of Defense, the Secretary of HHS shall determine, within 45 calendar days of such determination, whether to make a declaration under section 564(b)(1) of the FD&C Act, and, if appropriate, shall promptly make such a declaration.

[2] The Secretary of HHS has delegated the authority to issue an EUA under section 564 of the FD&C Act to the Commissioner of Food and Drugs.

Authorization are available on the internet at *https://www.regulations.gov.*

BILLING CODE 4164–01–P

August 8, 2024

Octapharma Pharmazeutika Produktionsges.m.b.H.
c/o Sergio Alegre
Octapharma USA Inc.
117 West Century Road
Paramus, NJ 07652

Dear Mr. Alegre,

This letter is in response to Octapharma Pharmazeutika Produktionsges.m.b.H.'s (Octapharma) request that the Food and Drug Administration (FDA) issue an Emergency Use Authorization (EUA) for emergency use of octaplasLG Powder (blood group types A and AB)[1] for U.S. military forces[2] for the treatment of hemorrhage or coagulopathy during an emergency involving agents of military combat (e.g., firearms, projectiles, and explosive devices) when plasma is not available for use or when the use of plasma is not practical, pursuant to section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. § 360bbb-3).

On June 7, 2018, pursuant to section 564(b)(1)(B) of the Act (21 U.S.C. § 360bbb-3(b)(1)(B)), the Deputy Secretary of the Department of Defense (DoD) determined that there is "a military emergency or significant potential for a military emergency, involving a heightened risk to U.S. military forces of an attack with an agent or agents that may cause, or are otherwise associated with an imminently life-threatening and specific risk to those forces."[3,4,5] Pursuant to section 564(b)(1) of the Act (21 U.S.C. § 360bbb-3(b)(1)), and on the basis of such determination, on July 9, 2018, the Secretary of the Department of Health and Human Services (HHS) then declared that circumstances exist justifying the authorization of emergency use of freeze dried

[1] Hereafter octaplasLG Powder (blood group types A and AB) will be referred to as octaplasLG Powder.

[2] For purposes of this EUA, the term "U.S. military forces" may include troops, civilians, contractors, and allied military personnel operating with Department of Defense. Also, for purposes of this EUA, it is anticipated that U.S. military medical personnel trained in the use of octaplasLG Powder will administer the authorized octaplasLG Powder to U.S. military forces. However, in the event the operational environment prevents such administration, it is possible that other trained U.S. military forces may need to administer the authorized octaplasLG Powder during an emergency as set forth in this authorization.

[3] DoD. *Letter to the HHS Secretary issuing a determination of a military emergency, or significant potential for a military emergency, and requesting a declaration under section 564 of the Federal Food, Drug, and Cosmetic Act.* June 7, 2018.

[4] Under section 564(b)(1)(B) of the Act, the Secretary of Defense may make a determination that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to United States military forces, including personnel operating under the authority of title 10 or title 50, of attack with—**(i)** a biological, chemical, radiological, or nuclear agent or agents; or **(ii)** an agent or agents that may cause, or are otherwise associated with, an imminently life-threatening and specific risk to United States military forces.

[5] When the DoD Secretary makes such a determination, the Secretary of Health and Human Services (HHS) shall determine, within 45 calendar days of such determination, whether to make a declaration that circumstances exist to justify EUA issuance and, if appropriate, shall promptly make such a declaration.

plasma for the treatment of hemorrhage or coagulopathy during an emergency involving agents of military combat (e.g., firearms, projectiles, and explosive devices) when plasma is not available for use or when the use of plasma is not practical.[6]

Octapharma requested this EUA so that octaplasLG Powder, which is not FDA-approved, may be acquired, distributed, and held by DoD for preparedness purposes in advance of an actual threat of agents of military combat (e.g., firearms, projectiles, and explosive devices) that may cause, or are otherwise associated with, an imminently life-threatening and specific risk to U.S. military forces, with the intent that it may be administered by U.S. military medical personnel or other Authorized Providers[7] during an event or post-event for the treatment of hemorrhage or coagulopathy caused by exposure to agents of military combat when plasma is not available for use or when the use of plasma is not practical. An EUA is needed to facilitate DoD pre-event planning and preparedness activities related to the acquisition and use of this non-FDA approved product to enable activities to support rapid administration of treatment during an actual emergency event involving the threat of agents of military combat (e.g., firearms, projectiles, and explosive devices) that may cause, or are otherwise associated with, an imminently life-threatening and specific risk to U.S. military forces.

This EUA is important for supporting military emergency response because it enables rapid initiation of treatment with octaplasLG Powder during an emergency involving agents of military combat (e.g., firearms, projectiles, and explosive devices) that may cause, or are otherwise associated with, an imminently life-threatening and specific risk to U.S. military forces, without FDA or DoD having to take further action with respect to otherwise applicable requirements under federal law.

Having concluded that the criteria for issuance of this authorization under section 564(c) of the Act (21 U.S.C. § 360bbb-3(c)) are met, I am authorizing the emergency use of octaplasLG Powder (as described in the Scope of Authorization section of this letter (Section II)) in the specified population for the treatment of hemorrhage or coagulopathy during an emergency involving agents of military combat (e.g., firearms, projectiles, and explosive devices) that may cause, or are otherwise associated with, an imminently life-threatening and specific risk to U.S. military forces when plasma is not available for use or when the use of plasma is not practical, subject to the terms of this authorization.

I. Criteria for Issuance of Authorization

I have concluded that the emergency use of octaplasLG Powder for the treatment of hemorrhage or coagulopathy during an emergency involving agents of military combat (e.g., firearms, projectiles, and explosive devices) that may cause, or are otherwise associated with, an imminently life-threatening and specific risk to U.S. military forces when plasma is not available for use or when the use of plasma is not practical in the specified population, when administered

[6] HHS. *Declaration that Circumstances Exist Justifying an Authorization Pursuant to Section 564 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 360bbb-3(b)*. July 9, 2018.

[7] Authorized Providers are medical personnel trained in the use of octaplasLG Powder who may administer the authorized octaplasLG Powder to U.S. military forces. In the event the operational environment prevents such administration, other trained U.S. military forces may need to administer the authorized octaplasLG Powder as Authorized Providers during an emergency as set forth in this authorization.

as described in the Scope of Authorization (Section II), meets the criteria for issuance of an authorization under section 564(c) of the Act, because I have concluded that:

1. Agents of military combat (e.g., firearms, projectiles, and explosive devices) can cause, or otherwise be associated with a serious or life-threatening disease or condition to humans exposed to these agents, specifically hemorrhage or coagulopathy during an emergency when plasma is not available for use or when the use of plasma is not practical;

2. Based on the totality of scientific evidence available to FDA, it is reasonable to believe that octaplasLG Powder, when used in accordance with the Scope of Authorization, may be effective for the treatment of hemorrhage or coagulopathy during an emergency involving agents of military combat (e.g., firearms, projectiles, and explosive devices) when plasma is not available for use or when the use of plasma is not practical, and that the known and potential benefits of octaplasLG Powder for this use outweigh the known and potential risks of such product;

3. There is no adequate, approved, and available alternative to the emergency use of octaplasLG Powder; and

4. The Deputy Secretary of Defense has requested emergency use of this product for treatment of hemorrhage or coagulopathy during an emergency involving agents of military combat (e.g., firearms, projectiles, and explosive devices) when plasma is not available for use or when the use of plasma is not practical.[8]

II. Scope of Authorization

I have concluded, pursuant to section 564(d)(1) of the Act, that the scope of this authorization is limited as follows:

- Octapharma will supply octaplasLG Powder, either directly or through authorized distributor(s) to DoD as directed by DoD, for use consistent with the terms and conditions of this EUA.
- octaplasLG Powder will be used for U.S. military forces for the treatment of hemorrhage or coagulopathy during an emergency involving agents of military combat (e.g., firearms, projectiles, and explosive devices) when plasma is not available for use or when the use of plasma is not practical.

Product Description

octaplasLG Powder is a biological product to be used for U.S. military forces for treatment of hemorrhage or coagulopathy during an emergency involving agents of military combat (e.g., firearms, projectiles, and explosive devices) that may cause, or are otherwise associated with, an imminently life-threatening and specific risk to U.S. military forces when plasma is not available for use or when the use of plasma is not practical.

[8] No other criteria of issuance have been prescribed by regulation under section 564(c)(4) of the Act.

octaplasLG Powder is an unapproved lyophilized plasma product created from the FDA approved, pooled, solvent/detergent treated plasma product, Octaplas. Octaplas is manufactured from human plasma collected in US licensed plasma donation centers. All plasma donations are tested for relevant transfusion-transmitted infections in accordance with U.S. federal regulations. octaplasLG Powder is presented as a powder for solution for intravenous infusion, filled into and freeze-dried in glass vials, with each product vial containing 9-14 g of A- or AB-blood group specific human plasma protein and is reconstituted with 190 ml of water for injections (WFI) solvent. Prior to reconstitution, octaplasLG Powder can be stored at +2°C to +25°C for 24 months.

octaplasLG Powder is authorized to be distributed with an FDA cleared or approved transfusion filter set.

octaplasLG Powder is authorized to be distributed as directed by DoD for storage, distribution, and administration, when packaged in the authorized packaging and with the authorized labeling (e.g., carton and container labels, fact sheets).

octaplasLG Powder is authorized to be administered without a prescription and by U.S. military medical professionals or other authorized providers under this EUA, despite the fact that it does not meet certain requirements otherwise required by federal law.

octaplasLG Powder is authorized for emergency use with the following information required to be made available to medical professionals or other authorized providers and recipients (to the extent practicable given the emergency circumstances) when plasma is not available for use or when the use of plasma is not practical.

- Fact Sheet for Health Care Professionals or Other Authorized Providers
- Fact Sheet for Recipients

I have concluded, pursuant to section 564(d)(2) of the Act, that it is reasonable to believe that the known and potential benefits of the authorized octaplasLG Powder in the specified population, when used for the treatment of hemorrhage or coagulopathy during an emergency involving agents of military combat (e.g., firearms, projectiles, and explosive devices) when plasma is not available for use or when the use of plasma is not practical, when used consistently with the Scope of Authorization of this letter (Section II), outweigh the known and potential risks of such a product.

I have concluded, pursuant to section 564(d)(3) of the Act, based on the totality of scientific evidence available to FDA, that it is reasonable to believe that the authorized octaplasLG Powder may be effective in the treatment of hemorrhage or coagulopathy during an emergency involving agents of military combat (e.g., firearms, projectiles, and explosive devices) when plasma is not available for use or when the use of plasma is not practical, when used consistently with the Scope of Authorization of this letter (Section II), pursuant to section 564(c)(2)(A) of the Act.

FDA has reviewed the scientific information available to FDA, including the information supporting the conclusions described in Section I above, and concludes that the authorized octaplasLG Powder, when used for the treatment of hemorrhage or coagulopathy during an emergency involving agents of military combat (e.g., firearms, projectiles, and explosive devices) when plasma is not available for use or when the use of plasma is not practical in the specified population (as described in the Scope of Authorization of this letter (Section II)), meets the criteria set forth in section 564(c) of the Act concerning safety and potential effectiveness.

The emergency use of the authorized octaplasLG Powder product under this EUA must be consistent with, and may not exceed, the terms of this letter, including the Scope of Authorization (Section II) and the Conditions of Authorization (Section IV). Subject to the terms of this EUA and under the circumstances set forth in the Deputy Secretary of Defense's determination described above and the Secretary of HHS's corresponding declaration under section 564(b)(1), the octaplasLG Powder described above is authorized for the treatment of hemorrhage or coagulopathy during an emergency involving agents of military combat (e.g., firearms, projectiles, and explosive devices) when plasma is not available for use or when the use of plasma is not practical in the specified population.

III. Conditions of Authorization

Pursuant to section 564 of the Act, I am establishing the following conditions on this authorization:

Octapharma

A. Octapharma will ensure that the authorized octaplasLG Powder will be distributed as directed by DoD, and the authorized Fact Sheet for Health Care Professionals or Other Authorized Providers, the authorized Fact Sheet for Recipients, and any other labeling that FDA may authorize, as well as any authorized amendments thereto will be made available to applicable DoD components.

B. Octapharma, in consultation with DoD, may request changes to this authorization, including the authorized Fact Sheet for Health Care Professionals or Other Authorized Providers and the authorized Fact Sheet for Recipients, the authorized labeling (e.g., carton and container labels, label on each packaged unit) and authorized packaging for the authorized octaplasLG Powder, or to the manufacturing, labeling, and packaging processes of Octapharma or its authorized agent(s) for the authorized product. Any request for changes to this EUA must be submitted to Office of Blood Research and Review (OBRR)/Center for Biologics Evaluation and Research (CBER). Such changes require appropriate authorization prior to implementation.[9]

[9] The following types of revisions may be authorized without reissuing this letter: (1) changes to the authorized labeling; (2) non-substantive editorial corrections to this letter; (3) new types of authorized labeling, including new fact sheets; (4) new carton/container labels; (5) expiration dating extensions; (6) changes to manufacturing processes, including tests or other authorized components of manufacturing; (7) new conditions of authorization to require data collection or study. All changes to the authorization require review and concurrence from OBRR. For changes to the authorization, including the authorized labeling, of the type listed in (3), (6), or (7), review and

C. Octapharma will ensure that the terms of this EUA are made available to DoD. Octapharma will provide applicable DoD components a copy of this letter of authorization and communicate to applicable DoD components any subsequent amendments that might be made to this letter of authorization and its authorized accompanying materials (e.g., Fact Sheets).

D. Octapharma will inform applicable DoD components about the need to have a process in place for performing adverse event monitoring designed to ensure that suspected adverse reactions and all medication errors associated with the use of the authorized octaplasLG Powder are reported to Octapharma. Octapharma will conduct any follow-up requested by FDA regarding adverse events, to the extent feasible given the emergency circumstances.

E. Octapharma will ensure that the authorized octaplasLG Powder is distributed within the expiry dating period.

F. Octapharma will ensure that the authorized octaplasLG Powder is distributed with an FDA cleared or approved transfusion filter set.

G. Octapharma will post on its website the following statement: "For information about the FDA-authorized emergency use of octaplasLG Powder please see: https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/emergency-use-authorization."

H. Octapharma will promptly notify FDA of any suspected or confirmed quality, manufacturing, distribution, and/or other issues with the authorized octaplasLG Powder of which it becomes aware.

I. Octapharma will establish a Collaborative Research and Development Agreement (CRADA) with DoD to collect data related to use of octaplasLG Powder under combat conditions. These data will be collected whenever octaplasLG Powder is transfused to patients to the extent practicable given the emergency circumstances. Collected data will include suspected adverse reactions, including serious and unexpected adverse reactions, and any medication errors associated with the use of the authorized octaplasLG Powder. Octapharma will report data to FDA on an annual basis.

J. Octapharma must submit to the Emergency Use Authorization submission file periodic safety reports annually, or at another appropriate interval determined by CBER, in accordance with a due date agreed upon with OBRR/CBER beginning after the first full calendar month after authorization. Each periodic safety report must contain descriptive information which includes:
   - A narrative summary and analysis of suspected adverse reactions submitted during the reporting interval, including interval and cumulative counts by age groups;

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concurrence is required from the Preparedness and Response Team (PREP)/Office of the Center Director (OD)/CBER.

- A narrative summary and analysis of medication errors, whether or not associated with an adverse event, that were identified since the last reporting interval;
- Newly identified safety concerns in the interval;
- Actions taken since the last report because of adverse experiences;
- Cumulative doses distributed, and doses distributed during the reporting interval.

K. Octapharma will report to FDA, as soon as possible, any serious and unexpected suspected adverse reaction that is not described under 'Risks and Adverse Events' in the authorized Fact Sheet for Health Care Professionals or Other Authorized Providers and any suspected adverse reaction resulting in death. Octapharma will conduct any follow-up requested by FDA regarding adverse events, to the extent feasible given the emergency circumstances.

L. Upon request by FDA, Octapharma will make available any records maintained in connection with this letter.

DoD

M. DoD will distribute the authorized octaplasLG Powder under its direction to the extent such decisions are consistent with and do not exceed the terms of this letter, including distribution with the authorized labeling (e.g., Fact Sheets).

N. Through a process of inventory control, DoD will maintain records regarding distribution under its direction of the authorized octaplasLG Powder (e.g., lot numbers, quantity, receiving site, receipt date).

O. DoD will ensure that the terms of this EUA are made available to applicable DoD components through applicable DoD communication channels and procedures.[10] DoD will provide applicable DoD components a copy of this letter of authorization and communicate to applicable DoD components any subsequent amendments that might be made to this letter of authorization and its authorized accompanying materials (e.g., Fact Sheets).

P. DoD will inform applicable DoD components that the authorized octaplasLG Powder may be used only by U.S. military forces for the treatment of hemorrhage or coagulopathy during an emergency involving agents of military combat (e.g., firearms, projectiles, and explosive devices) when plasma is not available for use or when the use of plasma is not practical.

Q. DoD will be responsible for authorizing components acting as part of a DoD response to administer the authorized octaplasLG Powder in accordance with the terms of this EUA, including instructing such components about the terms of this EUA with regard to storage, distribution, and administration, and for instructing about the means through which they are to obtain and use the authorized octaplasLG Powder.

[10] For example, through pre-deployment training, hard copy, web posting, etc.

R. DoD will train applicable DoD components on the use of the authorized octaplasLG Powder in accordance with this EUA and any applicable DoD procedures or protocols.

S. DoD will make available to applicable DoD components through applicable DoD communication channels and procedures the authorized Fact Sheet for Health Care Professional or Other Authorized Providers, the authorized Fact Sheet for Recipients, and any other Fact Sheets that FDA may authorize, as well as any authorized amendments thereto.[11] U.S. military medical personnel or other authorized providers administering the authorized octaplasLG Powder will ensure that the authorized Fact Sheet for Recipients has been made available to U.S. military forces that receive octaplasLG Powder through appropriate means, to the extent feasible given the emergency circumstances. Under exigent circumstances, other appropriate means for disseminating these Fact Sheets may be used.[12]

T. DoD will inform applicable DoD components about the need to have a process in place for performing adverse event monitoring designed to ensure that suspected adverse reactions and all medication errors associated with the use of the authorized octaplasLG Powder are reported to Octapharma, to the extent practicable given emergency circumstances, in according with the conditions of the EUA. Submitted reports should state that octaplasLG Powder was used under an EUA.

U. DoD will have a process in place for recording and reporting of data, as outlined in a CRADA to be established between DoD and Octapharma. These data will be recorded whenever octaplasLG Powder is transfused to patients to the extent reasonable and practicable given the emergency circumstances. Collected data will include suspected adverse reactions and any medication errors associated with the use of the authorized octaplasLG Powder.

V. DoD will report to Octapharma, as soon as reasonably possible, any serious and unexpected suspected adverse reaction that is not described under 'Risks and Adverse Events' in the authorized Fact Sheet for Health Care Professionals or Other Authorized Providers and any suspected adverse reaction resulting in death.

W. DoD will ensure that the authorized octaplasLG Powder is distributed for use under its direction within the expiry dating on the manufacturer's labeling

X. Per the terms of the CRADA with Octapharma, DoD will work with Octapharma to ensure that any records associated with the use of this product under this EUA are maintained, to the extent practicable given the emergency circumstances, until notified by FDA. Upon request by FDA, DoD will make available these and any other records maintained in connection with this letter.

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[11] For example, through pre-deployment training, hard copy, web posting, etc.

[12] FDA recognizes that the complex environment in which octaplasLG Powder may be used may prevent dissemination of Fact Sheets at the time of use of the octaplasLG Powder. Therefore, "other appropriate means" may include activities such as DoD components sharing the Fact Sheet for Recipients with U.S. military forces in pre-deployment or other training.

Y. DoD will promptly notify FDA of any suspected or confirmed quality, manufacturing, distribution, and/or other issues with the OctaplasLG Powder of which it becomes aware.

Conditions Related to Descriptive Printed Material

Z. All descriptive printed matter relating to the use of the authorized octaplasLG Powder shall be consistent with the Fact Sheets and authorized labeling, as well as the terms set forth in this EUA and the applicable requirements set forth in the Act and FDA regulations.

AA. All descriptive printed matter relating to the use of the authorized octaplasLG Powder shall clearly and conspicuously state that:

- This product has not been FDA approved or licensed;
- This product has been authorized by FDA under an EUA for use by DoD;
- This product has been authorized only for the treatment of hemorrhage or coagulopathy during an emergency involving agents of military combat (e.g., firearms, projectiles, and explosive devices) when plasma is not available for use or when the use of plasma is not practical; and
- This product is only authorized for the duration of the declaration that circumstances exist justifying the authorization of the emergency use of octaplasLG Powder for the treatment of hemorrhage or coagulopathy during an emergency involving agents of military combat (e.g., firearms, projectiles, and explosive devices) when plasma is not available for use or when the use of plasma is not practical, under section 564(b)(1) of the Act, 21 U.S.C. § 360bbb-3(b)(1), unless the authorization is terminated or revoked sooner.

No descriptive printed matter relating to the use of the authorized octaplasLG Powder may represent or suggest that this product is safe or effective for the treatment of hemorrhage or coagulopathy during an emergency involving agents of military combat (e.g., firearms, projectiles, and explosive devices) when plasma is not available for use or when the use of plasma is not practical.

V. Duration of Authorization

This EUA will be effective until the declaration that circumstances exist justifying the authorization of the emergency use of octaplasLG Powder for the treatment of hemorrhage or coagulopathy during an emergency involving agents of military combat (e.g., firearms, projectiles, and explosive devices) when plasma is not available for use or when the use of plasma is not practical is terminated under section 564(b)(2) of the Act or the EUA is revoked under section 564(g) of the Act.

Sincerely,

Peter W. Marks -S

Digitally signed by Peter W. Marks -S
Date: 2024.08.08 10:34:14 -04'00'

Peter W. Marks, M.D., Ph.D.
Director
Center for Biologics Evaluation and Research

Enclosures

Dated: August 20, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–18971 Filed 8–26–24; 8:45 am]

BILLING CODE 4164–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: 0937–0191–30D]

Agency Information Collection Request; 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before September 26, 2024.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 264–0041 and *PRA@HHS.GOV.*

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 0937–0191–30D and project title for reference, to Sherrette A. Funn, email: *Sherrette.Funn@hhs.gov, PRA@HHS.GOV* or call (202) 264–0041 the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Collection: Reinstatement, with no change.

OMB No.: 0937–0191.

Abstract: The Office of Assistant Secretary for Administration, Program Support Center, Federal Real Property Assistance Program is requesting OMB approval on a previously approved information collection, 0937–0191. 40 U.S.C. 550 (the ''Act''), as amended, provides authority to the Secretary of Health and Human Services to convey or lease surplus real property to States and their political subdivisions and instrumentalities, to tax-supported institutions, and to nonprofit institutions which (except for institutions which lease property to assist the homeless) have been held exempt from taxation under Section 501(c)(3) of the 1954 Internal Revenue Code, and 501(c)(19) for veterans organizations, for public health and homeless assistance purposes. Transfers are made to transferees at little or no cost.

Type of Respondent: Responses are dependent on when Federal surplus real property is made available and is desired by a respondent/applicant for acquisition. Likely respondents include State, local, or tribal units of government or instrumentalities thereof, and not-for-profit organizations.

ESTIMATED ANNUALIZED BURDEN TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Applications for surplus Federal real property		10	1	200	2,000
Total		10	1	200	2,000

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2024–19250 Filed 8–26–24; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7082–N–07]

60-Day Notice of Proposed Information Collection: Disaster Recovery Grant Reporting System (DRGR), OMB Control No.: 2506–0165

AGENCY: Office of Community Planning and Development, 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:* October 28, 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 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 and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Clearance Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410–5000; email *PaperworkReductionActOffice@hud.gov*.

FOR FURTHER INFORMATION CONTACT: Tennille Smith Parker, Director, Disaster Recovery and Special Issues Division, email *Tennille.Parker@HUD.gov,* telephone (202) 402–4649 or Robert C. Peterson, Director of State and Small Cities, email *Robert.C.Peterson@hud.gov,* Office of Block Grant Assistance, telephone (202) 402–4211, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.* Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Disaster Recovery Grant Reporting System (DRGR).

OMB Approval Number: 2506–0165.

Type of Request: Revision.

Form Number: SF–424 Application for Federal Assistance.

Description of the need for the information and proposed use:

The Disaster Recovery Grant Reporting (DRGR) System is a grants management system used by the Office of Community Planning and Development to monitor special appropriation grants under the Community Development Block Grant program. This collection pertains to Community Development Block Grant Disaster Recovery (CDBG–DR), Community Development Block Grant Mitigation (CDBG–MIT), Community Development Block Grant National Disaster Resilience Competition (CDBG–NDR), Neighborhood Stabilization Program (NSP), Rural Capacity Building (RCB), Section 4, Recovery Housing Program (RHP), Pathways to Removing Obstacles to Housing (PRO Housing), and Preservation and Reinvestment Initiative for Community Enhancement (PRICE) grant funds.

The CDBG program is authorized under Title I of the Housing and Community Development Act of 1974, as amended. Following major disasters, Congress appropriates supplemental CDBG funds for disaster recovery. According to Section 104(e)(1) of the Housing and Community Development Act of 1974, HUD is responsible for reviewing grantees' compliance with applicable requirements and their continuing capacity to carry out their programs. Grant funds are made available to states and units of general local government, Indian tribes, and insular areas, unless provided otherwise by supplemental appropriations statute, based on their unmet disaster recovery needs.

The Neighborhood Stabilization Program (NSP) was established for the purpose of stabilizing communities that have suffered from foreclosures and property abandonment. Authorized under section 1497 of the Wall Street Reform and Consumer Protection Act of 2010 (Pub. L. 111–203, approved July 21, 2010) (''NSP3''), NSP3 Technical Assistance (TA) provides $20 million to organizations that are experienced and successful in providing program, technical, planning, financial, and organizational capacity building assistance, or consulting in such areas as community development, affordable housing, organizational management, financing and underwriting, construction and rehabilitation management, land banking, project management and strategic planning.

Through the funding of national organizations with expertise in rural housing and community development, the Rural Capacity Building (RCB) and Section 4 programs enhance the capacity and ability of local governments, Indian tribes, housing development organizations, rural Community Development Corporations (CDCs), and rural Community Housing Development Organizations (CHDOs), to carry out community development and affordable housing activities that benefit low-and moderate-income families and persons in rural areas.

The Recovery Housing Program (RHP) was authorized under section 8071 of the Support for Patients and Communities (SUPPORT) Act. HUD published its formula in the **Federal Register** on April 17, 2019 (84 FR 16027), identifying the 35 eligible grantees and allocation percentages. Section 8071 of the SUPPORT Act (Section 8071) required funds appropriated or made available for the RHP be treated as CDBG funds under title I of the Housing and Community Act of 1974, unless otherwise provided in Section 8071 or modified by waivers and alternative requirements.

PRO Housing is a competitive grant program for the identification and removal of barriers to affordable housing production and preservation. PRO Housing was authorized by the Consolidated Appropriations Act, 2024 (Pub. L. 118–42, approved March 9, 2024), and the Consolidated Appropriations Act, 2023 (Pub. L. 117–328, approved December 29, 2022). HUD makes these competitive funds available through the Notice of Funding Opportunity (NOFO) process [OMB Approval Number 2506–0220]. The competition invites States, local governments, metropolitan planning organizations, and multijurisdictional entities to apply for funds for eligible activities that develop, evaluate, and implement housing policy plans, improve housing strategies, and facilitate affordable housing production and preservation.

The ''Preservation and Reinvestment Initiative for Community Enhancement'' (PRICE) was authorized by the Consolidated Appropriations Act, 2024 (Pub. L. 118–42, approved March 9, 2024), and the Consolidated Appropriations Act, 2023 (Pub. L. 117–328, approved December 29, 2022). To date, $225 million has been allocated for PRICE grants to preserve and revitalize manufactured housing and eligible manufactured housing communities. HUD makes these competitive funds available through the Notice of Funding Opportunity (NOFO) process. The competition invites State, Tribal, and Local governments, as well as non-profit entities, cooperatives, and Community Development Finance Institutions to apply for funds for eligible activities that facilitate manufactured housing preservation and revitalization.

Estimated Number of Respondents: 2,393.

Estimated Number of Responses: 49,568.

Frequency of Response: Varies.

Average Hours per Response: Varies.

Total Estimated Burdens: 64,532 hours and cost of $2,143,766.83.

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 comments in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Marion M. McFadden,

Principal Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 2024–19171 Filed 8–26–24; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[245A2100DD/AAKC001030/ A0A501010.999900; OMB Control Number 1076–0182]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Sovereignty in Indian Education Grant Program

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Education (BIE) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before September 26, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection request (ICR) should be sent within 30 days of publication of this notice to the Office of Information and Regulatory Affairs (OIRA) through *https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202405-1076-011* or by visiting *https://www.reginfo.gov/public/do/PRAMain* and selecting ''Currently under Review—Open for Public Comments'' and then scrolling down to the ''Department of the Interior.''

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Steven Mullen, Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs, U.S. Department of the Interior, 1001 Indian School Road NW, Suite 229, Albuquerque, New Mexico 87104; *comments@bia.gov;* (202) 924–2650. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. You may also view the ICR at *https://www.reginfo.gov/public/Forward?SearchTarget=PRA&textfield=1076-0182.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on June 21, 2024 (89 FR 52076). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

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

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

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Indian Tribes and Tribal Organizations may submit proposals to support their efforts to take control and operate BIE-funded schools located on the Tribe's reservation. Each proposal must include a project narrative, a budget narrative, a work plan outline, and a Project Director to manage the execution of the grant. The Project Directors will participate in monthly collaboration meetings, submit quarterly budget updates, ensure an annual report is submitted at the end of each project year, and ultimately ensure that the tribal education agency fulfills the obligations of the grant.

Title of Collection: Sovereignty in Indian Education Grant Program.

OMB Control Number: 1076–0182.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Indian Tribes and/or Tribal Education Departments.

Total Estimated Number of Annual Respondents: 11 per year.

Total Estimated Number of Annual Responses: 198 per year.

Estimated Completion Time per Response: Ranges from 1 hour to 40 hours.

Total Estimated Number of Annual Burden Hours: 682 hours.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: Proposals and Annual reports once per year and Budget Reports are submitted 4 times per year.

Total Estimated Annual Nonhour Burden Cost: $0.

Authority

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Steven Mullen,

Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2024–19242 Filed 8–26–24; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[245A2100DD/AAKC001030/ A0A501010.999900]

Indian Gaming; Approval of the Fifth Amendment to the Tribal-State Class III Gaming Compact Amendment Between Cowlitz Indian Tribe and the State of Washington

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the approval by operation of law the Fifth Amendment to the Tribal State Compact for Class III Gaming between the Cowlitz Indian Tribe and the State of Washington governing the operation

and regulation of class III gaming activities.

DATES: The Amendment takes effect on August 27, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, *IndianGaming@bia.gov;* (202) 219–4066.

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act of 1988, 25 U.S.C. 2701 *et seq.,* (IGRA) provides the Secretary of the Interior (Secretary) with 45 days to review and approve or disapprove the Tribal-State compact governing the conduct of Class III gaming activity on the Tribe's Indian lands. *See* 25 U.S.C. 2710(d)(8). If the Secretary does not approve or disapprove a Tribal-State compact within the 45 days, IGRA provides the Tribal-State compact is considered to have been approved by the Secretary, but only to the extent the compact is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(D). The IGRA also requires the Secretary to publish in the **Federal Register** notice of the approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. *See* 25 U.S.C. 2710(d)(8)(D). The Department's regulations at 25 CFR 293.4 require all compacts and amendments to be reviewed and approved by the Secretary prior to taking effect. The Secretary took no action on the Fifth Amendment to the Compact between the Cowlitz Indian Tribe and the State of Washington, within the 45-day statutory review period. Therefore, the Compact is considered to have been approved, but only to the extent it is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(C).

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2024–19223 Filed 8–26–24; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[245A2100DD/AAKC001030/A0A501010.999900; OMB Control Number 1076–0018]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Tribal Colleges and Universities Grant Application Form

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Education (BIE) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before September 26, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection request (ICR) should be sent within 30 days of publication of this notice to the Office of Information and Regulatory Affairs (OIRA) through *https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202405-1076-014* or by visiting *https://www.reginfo.gov/public/do/PRAMain* and selecting ''Currently under Review—Open for Public Comments'' and then scrolling down to the ''Department of the Interior.''

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Steven Mullen, Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs, U.S. Department of the Interior, 1001 Indian School Road NW, Suite 229, Albuquerque, New Mexico 87104; *comments@bia.gov;* (202) 924–2650. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. You may also view the ICR at *https://www.reginfo.gov/public/Forward?SearchTarget=PRA&textfield=1076-0018.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on June 21, 2024 (89 FR 52076). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

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

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

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Each tribally-controlled college or university requesting financial assistance under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (the Act) (25 U.S.C. 1801 *et seq.*), which provides grants to Tribally Controlled Colleges or Universities for the purpose of ensuring continued and expanded educational opportunities for Indian students. Similarly, each Tribally Controlled College or University that receives financial assistance is required by Sec. 107(c)(1) of the Act and 25 CFR 41 to provide a report on the use of funds received.

Title of Collection: Tribal Colleges and Universities Grant Application Form, 25 CFR 41.

OMB Control Number: 1076–0018.

Form Number: BIE–62107, BIE–6259, BIE Form 22, and the Third Week Monitoring Form.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Tribal college and university administrators.

Total Estimated Number of Annual Respondents: 29 per year, on average.

Total Estimated Number of Annual Responses: 174 per year, on average.

Estimated Completion Time per Response: Varies from 2 hour to 11 hours.

Total Estimated Number of Annual Burden Hours: 870 hours.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: Annually.

Total Estimated Annual Nonhour Burden Cost: $0.

Authority

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Steven Mullen,

Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2024–19244 Filed 8–26–24; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[245A2100DD/AAKC001030/A0A501010.999900; OMB Control Number 1076–0199]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Indian Business Incubator Program

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, Assistant Secretary—Indian Affairs (AS–IA) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before September 26, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection request (ICR) should be sent within 30 days of publication of this notice to the Office of Information and Regulatory Affairs (OIRA) through *https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202405-1076-015* or by visiting *https://www.reginfo.gov/public/do/PRAMain* and selecting ''Currently under Review—Open for Public Comments'' and then scrolling down to the ''Department of the Interior.''

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Steven Mullen, Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs, U.S. Department of the Interior, 1001 Indian School Road NW, Suite 229, Albuquerque, New Mexico 87104; *comments@bia.gov;* (202) 924–2650. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. You may also view the ICR at *https://www.reginfo.gov/public/Forward?SearchTarget=PRA&textfield=1076-0199.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on June 21, 2024 (89 FR 52076). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

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

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

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Under 25 CFR 1187, this information collection includes items that an applicant must include in an application for an Indian Business Incubator Program (IBIP) grant and that IBIP awardees must include in the annual report. Applicant contents include such items as a description of the reservation communities the incubator will serve, a three-year plan regarding the services to be offered to participating entrepreneurs, among other items, information regarding applicant's experience in conducting assistance programs, and a site description of the location at which the applicant will provide workspace to participants, among other items. The annual report includes a detailed breakdown of the entrepreneurs the incubator has served for the year covered by the report. The authority for this information collection is the Native American Business Incubators Program Act (25 U.S.C. 5801 *et seq.*).

We are updating the ''Total Estimated Number of Annual Respondents'' from 50 to 30 to reflect actual responses received in recent years. We are also updating ''Total Estimated Number of Annual Responses'' 100 from 30 by streamlining the program's business practices. Finally, we are updating ''Total Estimated Number of Annual Burden Hours'' from 2,000 to 750 hours.

Title of Collection: Indian Business Incubator Program, 25 CFR 1187.

OMB Control Number: 1076–0199.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals, Private Sector, Government.

Total Estimated Number of Annual Respondents: 30.

Total Estimated Number of Annual Responses: 30.

Estimated Completion Time per Response: Ranges from 5 to 35 hours.

Total Estimated Number of Annual Burden Hours: 750 hours.

Respondent's Obligation: Required to obtain a benefit.

Frequency of Collection: Occasionally.

Total Estimated Annual Nonhour Burden Cost: $0.

Authority: An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Steven Mullen,

Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2024–19238 Filed 8–26–24; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[245A2100DD/AAKC001030/A0A501010.999900]

HEARTH Act Approval of Yocha Dehe Wintun Nation, California Leasing Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs (BIA) approved the Yocha Dehe Wintun Nation, California Leasing Ordinance under the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012 (HEARTH Act). With this approval, the Tribe is authorized to enter into business leases without further BIA approval.

DATES: BIA issued the approval on August 20, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Carla Clark, Bureau of Indian Affairs, Division of Real Estate Services, 1001 Indian School Road NW, Albuquerque, NM 87104, *carla.clark@bia.gov,* (702) 484–3233.

SUPPLEMENTARY INFORMATION:

I. Summary of the HEARTH Act

The HEARTH Act makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The HEARTH Act authorizes Tribes to negotiate and enter into business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior (Secretary). The HEARTH Act also authorizes Tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop Tribal Leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The HEARTH Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department of the Interior's (Department) leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the HEARTH Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for the Yocha Dehe Wintun Nation, California.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. *See* 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72440, 72447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 5108, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation* v. *Thurston County,* 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe* v. *Jones,* 411 U.S. 145 (1973)). Similarly, section 5108 preempts State taxation of rent payments by a lessee for leased trust lands, because ''tax on the payment of rent is indistinguishable from an impermissible tax on the land.'' *See Seminole Tribe of Florida* v. *Stranburg,* 799 F.3d 1324, 1331, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe* v. *Bracker,* 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of ''traditional notions of Indian self-government,'' requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to ''allow Tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in Tribal communities.'' 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes ''flexibility to adapt lease terms to suit [their] business and cultural needs'' and to ''enable [Tribes] to approve leases quickly and efficiently.'' H. Rep. 112–427 at 6 (2012).

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan* v. *Bay Mills Indian Community,* 572 U.S. 782, 810 (2014) (Sotomayor, J., concurring) (determining that ''[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding''). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a Tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. *See id.* at 810–11 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double

taxation would impede Tribal economic growth).

Similar to BIA's surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to 25 CFR part 162.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or 25 CFR part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Yocha Dehe Wintun Nation, California.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2024–19222 Filed 8–26–24; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[PPWOIRADA1/PRCRFRFR6.XZ0000/PR.RIRAD1801.00.1; OMB Control Number 1093–0006]

Agency Information Collection Activities; Administration of Volunteer.gov Website and Associated Volunteer Activities

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of the Secretary, Department of the Interior (Interior) are proposing to renew an information collection with minor revisions.

DATES: Interested persons are invited to submit comments on or before September 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 Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Nicholas Solomon, 1849 C Street, NW Washington, DC 20240; or by email to *nicholas_solomon@nps.gov.* Please reference OMB Control Number 1093–0006 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Nicholas Solomon by email at *nicholas_solomon@nps.gov,* or by telephone at 202–604–1727. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on March 14, 2024 (89 FR 18665). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

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

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

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Various laws, statutes, and regulations, to include the Volunteers in the Parks Act of 1969 (54 U.S.C. 102301), Public Lands Corps Act (16 U.S.C. 1721 et. seq.), the Outdoor Recreation Authority (16 U.S.C. 4601), Volunteers in the National Forests Program (16 U.S.C. 558 a–d), and the Forest Foundation Volunteers Act (16 U.S.C. 583j), authorize Federal land management agencies to work with volunteers, youth, and partner organizations to plan, develop, maintain, and manage projects and service activities on public lands and adjacent projects throughout the nation. We use volunteers, youth programs, and partnerships to aid in disaster response, interpretive functions, visitor services, conservation measures and development, research and development, recreation, and or other activities as allowed by an agency's policy and regulations. Providing, collecting, and exchanging written and electronic information is required from potential and selected program participants of all ages so they can access opportunities and benefits provided by agencies guidelines. Those under the age of 18 years must have written consent from a parent or guardian to participate in volunteer activities.

These forms, available for prospective volunteers to complete electronically or as paper forms, serve two functions:

Recruiting potential volunteers, and

Formalizing agreements between current volunteers and the agencies with which they are volunteering.

The customer relationship management web-based portal, *Volunteer.gov,* is the agencies' response to meeting the public's request for improved digital customer services to access and apply for engagement opportunities. Under one security platform parameter, the *Volunteer.gov* website provides prospective and current program participants the ability to establish an account for electronic submission of program applications and to obtain status of applications and enrollments. Current functionality provides information digitally on benefits and requirements and facilitates improved tracking of volunteer service hours. As field level programs transition to using *Volunteer.gov,* these data points may be tracked either manually or digitally and are accessible from agency volunteer program coordinators.

This information collection specifically minimizes the burden on the respondents. While electronic records provide a means to streamline data collection and allow participant access to track benefits and control the sharing of their data, the participating agencies will continue to provide accessible paper versions of the volunteer forms upon request and in special circumstances where the digital alternative is not possible.

Participating Agencies

Department of the Interior: All Interior offices and units, including National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, Bureau of Reclamation, Bureau of Indian Affairs, Office of Surface Mining Reclamation and Enforcement, and U.S. Geological Survey.

Department of Agriculture: U.S. Forest Service and Natural Resources Conservation Service.

Department of Defense: U.S. Army Corps of Engineers.

Department of Commerce: National Oceanic and Atmospheric Administration—Office of National Marine Sanctuaries.

Common Forms

Form OF–301—Volunteer Application: Individuals interested in volunteering may access the *Volunteer.gov* website to complete an on-line application on the *Volunteer.gov* website. Alternatively, they may contact any agency listed above to request a Volunteer Application (Form OF–301). We collect the following information from applicants via Form OF–301:

- Name and contact information (address, telephone number, and email address);
- Date of birth;
- Preferred work categories;
- Interests;
- Citizenship status;
- Available dates and preferred location;
- Physical limitations; and
- Lodging preferences.

Information collected using this form or *Volunteer.gov* assists agency volunteer coordinators and other personnel in matching volunteers with agency opportunities appropriate for an applicant's skills, physical condition, and availability.

Form OF–301A—Volunteer Service Agreement: We use this form to establish agreements for volunteer services between Federal agencies and individual or group volunteers, to include eligible international volunteers. We require the signature of parents or guardians for all applicants under 18 years of age. We collect the following information from volunteers via Form OF–301A:

- Name and contact information (address, telephone number, and email address);
- Date of birth (proposed new data field);
- Citizenship information; and,
- Emergency contact information.

Form OF–301A describes the service a volunteer will perform, and asks a volunteer to confirm their understanding of the purpose of the volunteer program, their fitness and ability to perform the duties as described, and whether they consent to being photographed.

Form OF–301B—Volunteer Group Sign-up: We use this form to document awareness and understanding by adult individuals in groups about the volunteer activities between a Federal agency and a partner organization with group participants, and accompanies the Form OF–301a. We collect the following information from volunteers via Form OF–301b:

- Name and contact information (address, telephone number, and email address);
- Month and year of birth;
- Confirmation of understanding of the purpose of the volunteer program;
- Fitness and ability to perform the duties as described; and
- Whether they consent to being photographed.

Each participating agency must request OMB approval of, and report their own burden associated with, the use of common forms OF–301, OF–301A, and OF–301B in order to be authorized to participate in this information collection. Interior will not assume the burden for any agencies other than its own bureaus and offices that participate in the volunteer program.

Revisions

Minor revisions are being proposed for the forms to correct grammatical mistakes, provide clarity for users, and to remove unnecessary requests for information. All revisions proposed are based on participating agency and volunteer input. A summary of those revisions is below.

OF 301 (Volunteer Service Application)

Note: Optional. Volunteers use this to express general interest, not to apply to a specific volunteer opportunity.

- *Title:* Remove ''-NATURAL & CULTURAL RESOURCES'' from the title, resulting in the title of ''Volunteer Service Application''
- *Burden Statement:* Correct grammar
- *Privacy Act Statement:* Correct grammar

OF 301a (Volunteer Service Agreement)

Note: individual volunteers use this to apply and agree to a specific volunteer opportunity.

- *Title:* Remove ''-NATURAL & CULTURAL RESOURCES'' from the title, resulting in the title of ''VOLUNTEER SERVICE AGREEMENT''
- *Box 4:* Correct grammar
- *Box 12c.:* Updating to ''Military affiliation (Select one): Active Duty, Veteran, None''
- *Box 27:* Correct grammar
- *Box 28:* Add clarifying language ''(Last, First)''
- *Box 45:* Remove Box ''45. Total Hours Completed''
- *Box 46:* Update Box number to ''45.''
- *Privacy Act Statement:* Correct grammar

OF 301b (Volunteer Sign-up Form for Groups)

Note: volunteers in a group use this to agree to a specific volunteer opportunity.

- *Title:* Remove ''Natural & Cultural Resources'' from the title, resulting in the title of ''VOLUNTEER SERVICE AGREEMENT—Volunteer Sign-up Form for Groups''
- *Instructions:* Correct grammar
- *Burden Statement:* Correct grammar
- *Privacy Act Statement:* Correct grammar

- *Footer:* Adjusted page numbers to allow for multiple copies of the second page to be printed.

Title of Collection: Administration of *Volunteer.gov* website and Associated Volunteer Activities.

OMB Control Number: 1093–0006.

Form Number: OF–301, OF–301A, and OF–301B.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Individuals and private sector (cooperating associations and partner organizations) interested in volunteer opportunities.

Total Estimated Number of Annual Respondents: 526,775.

Total Estimated Number of Annual Responses: 526,775.

Estimated Completion Time per Response: Varies from 5 minutes to 15 minutes, depending on activity.

Total Estimated Number of Annual Burden Hours: 99,109.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Typically once per year.

Total Estimated Annual Nonhour Burden Cost: There are no non-hour cost burdens associated with this information collection.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Jeffrey Parrillo,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–19201 Filed 8–26–24; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_CA_FRN_MO4500174576]

Notice of Temporary Annual Closure of Public Lands for the California 300 Off-Road Race, San Bernardino County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of temporary closure.

SUMMARY: As authorized under the provisions of the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) is giving notice that certain public lands located near Barstow, California, within the Stoddard Valley Off-Highway Vehicle Recreation Area will be temporarily closed to all public use to enhance public safety during Mad Media Productions' annual California 300 off-road race authorized under a Special Recreation Permit (SRP).

DATES: This action is in effect for a 5-day period in October each year from 2024 to 2028 for the California 300 off-road race. The dates for the California 300 off-road race and the temporary closure, as well as a map of the closure area, will be posted at the California Desert District Office, the Barstow Field Office, and on the BLM website at the addresses provided below at least 30 days prior to the event each year.

ADDRESSES: California Desert District, 1201 Bird Springs Drive, Palm Springs, CA 92262; Barstow Field Office, 2601 Barstow Road, Barstow, CA 92311, BLM website: *www.blm.gov/california.*

FOR FURTHER INFORMATION CONTACT: Marc Stamer, Barstow Field Manager, California Desert District, 2601 Barstow Road, Barstow, CA, telephone: 760–252–6000, email: *mstamer@blm.gov* or Caleb Scruggs, Outdoor Recreation Planner, telephone: 760–252–6042, email: *cscruggs@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 closure applies to all public use, including pedestrian use and vehicles. The BLM will post the temporary closure notice and map of the closure area at the main entry points into the Stoddard Valley Off-Highway Vehicle Recreation Area, at the California Desert District Office, at the Barstow Field Office, and on the BLM website at *https://www.blm.gov/california.* Stoddard Valley OHV area was designated in the Dingell Act, per map in PL 116–9. The annual temporary closure will comply with the management plan for the area.

Exclusive Use: The closure area will be for exclusive use of California 300 off-road race participants, registered spectators for the California 300 off-road race, and other authorized users with an authorized SRP valid for activities within the closure area. For the closure area, anyone without an SRP authorizing use within the closure area during the closure period is prohibited from using the area.

Exceptions: Temporary closure restrictions do not apply to federal, state, and local officers and employees in the performance of official duties; members of organized rescue or fire-fighting forces in the performance of official duties; persons with written authorization from the Bureau of Land Management; California 300 off-road race officials and race participants; vendors with a valid BLM SRP; and registered event spectators.

Enforcement: Any person who violates the temporary closure order may be tried before a United States Magistrate and fined in accordance with 18 U.S.C. 3571, imprisoned for no more than 12 months under 43 U.S.C. 1733(a) and 43 CFR 8360.0–7, or both. In accordance with 43 CFR 8365.1–7, State or local officials may also impose penalties for violations of California law.

(Authority: 43 CFR 8364.1)

Michelle Lynch,

BLM California Desert District Manager.

[FR Doc. 2024–19194 Filed 8–26–24; 8:45 am]

BILLING CODE 4331–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1189 (Second Review)]

Large Power Transformers From South Korea

Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the antidumping duty order on large power transformers from South Korea would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted this review on September 1, 2023 (88 FR 60496) and determined on December 5, 2023 that it would conduct a full review (88 FR 87457, December 18, 2023). Notice of the scheduling of the Commission's review and of a public hearing to be held in connection therewith was given by posting copies

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

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 February 16, 2024 (89 FR 12379). The Commission conducted its hearing on June 20, 2024. All persons who requested the opportunity were permitted to participate.

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination in this review on August 22, 2024. The views of the Commission are contained in USITC Publication 5531 (August 2024), entitled *Large Power Transformers from South Korea: Investigation No. 731–TA–1189 (Second Review).*

By order of the Commission.

Issued: August 22, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–19236 Filed 8–26–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1406]

Certain Memory Devices and Electronic Devices Containing the Same; Notice of a Commission Determination Not To Review an Initial Determination Granting a Joint Motion To Terminate the Investigation as to One Respondent and To Amend the Complaint and Notice of Investigation

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined not to review an initial determination (''ID'') (Order No. 8) of the presiding administrative law judge (''ALJ'') granting a joint motion to: (1) terminate the investigation as to respondent Lenovo Group Limited of Hong Kong based on partial withdrawal of the complaint, and (2) amend the complaint and notice of investigation to add Lenovo PC HK Limited of Hong Kong and Lenovo Global Technology (United States) Inc. of Morrisville, North Carolina as additional respondents.

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: The Commission instituted this investigation on July 9, 2024, based on a complaint filed by MimirIP LLC of Dallas, Texas (''Complainant''). *See* 89 FR 56406–407 (July 9, 2024). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain memory devices and electronic devices containing the same by reason of the infringement of certain claims of U.S. Patent Nos. 7,468,928; 7,579,846; and 8,036,053. *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission's notice of investigation named as respondents Micron Technology Inc. of Boise, Idaho; Hewlett Packard Enterprise Co. of Spring, Texas; HP, Inc. of Palo Alto, California; Kingston Technology Company, Inc. of Fountain Valley, California; Lenovo Group Limited of Hong Kong; Lenovo (United States) Inc. of Morrisville, North Carolina; and Tesla Inc. of Austin, Texas. *Id.* The Office of Unfair Import Investigations (''Staff'') is participating in the investigation for issues relating to the economic prong of the domestic industry requirement, remedy, and public interest only. EDIS Doc. ID 826262 (July 17, 2024).

On August 7, 2024, Complainants and respondents Lenovo Group Limited and Lenovo (United States) Inc. filed a joint motion to: (1) terminate respondent Lenovo Group Limited from this investigation pursuant to Commission Rule 210.21 (19 CFR 210.21), and (2) amend the complaint and the notice of investigation to add Lenovo PC HK Limited and Lenovo Global Technology (United States) Inc. as respondents pursuant to Commission Rule 210.14 (19 CFR 210.14). The joint motion states that the other named respondents and Staff did not oppose the joint motion. No response to the joint motion was filed.

On August 8, 2024, the ALJ issued the subject ID (Order No. 8) granting the joint motion. Order No. 8 (August 8, 2024). The subject ID finds that the joint motion is supported by good cause pursuant to Commission Rule 210.14(b) (19 CFR 210.14(b)) and that there is no prejudice to any party if the motion is granted. The Commission notes that the motion also states, pursuant to Commission Rule 210.21(a) (19 CFR 210.21(a)), that there are no other agreements, written or oral, express or implied between the parties concerning the subject matter of this Investigation.

No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID (Order No. 8). Lenovo Group Limited is terminated from the investigation. Lenovo PC HK Limited and Lenovo Global Technology (United States) Inc. are added as respondents to the investigation.

The Commission vote for this determination took place on August 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: August 22, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–19237 Filed 8–26–24; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Judgment Under the Clean Air Act

On August 20, 2024, the Department of Justice lodged a proposed Consent Judgment with the United States District Court for the Eastern District of New York in the lawsuit entitled *United States of America* v. *Gershow Recycling Corporation,* Civil Action No. 24–CV–5794–GRB–AYS.

The United States filed this lawsuit under the Clean Air Act, 42 U.S.C. 7413(a)–(b) (''CAA''). The Complaint seeks civil penalties and injunctive relief for Gershow Recycling Corporation's (''Gershow'') past and ongoing operation of a metal shredder without reasonably available emission control technology (''RACT'') in violation of the CAA and the federally enforceable State Implementation Plan (''SIP'') contained in New York State regulations, 6 N.Y.C.R.R. § 212–3 *et seq.* The facility is located in Medford, New York, in Suffolk County. The CAA and

relevant regulations require major sources of Volatile Organic Compounds (''VOC'') emissions to obtain a permit, install RACT, and annually report emissions of all regulated air contaminants. The Complaint alleges that Gershow failed to comply with these requirements.

The Consent Judgment requires Gershow to comply with the SIP, obtain an appropriate CAA Title V permit, and install and operate an emission capture system and air pollution control equipment. The emission capture system will capture relevant emissions and route them to air pollution control equipment that will remove particulate matter, VOCs, and acid gases from the shredder's emission in accordance with specifications detailed in the Consent Judgment. The Consent Judgment also requires Defendants to pay a $555,000 civil penalty.

The publication of this notice opens a period for public comment on the proposed Consent Judgment. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America* v. *Gershow Recycling Corporation,* D.J. Ref. No. 90–5–2–1–12657. 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 e-mail	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ–ENRD, P.O. Box 7611, Washington, D.C. 20044–7611.

Any comments submitted in writing may be filed in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the Consent Judgment may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* If you require assistance accessing the consent judgment, you may request assistance by email or 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. 2024–19142 Filed 8–26–24; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0016]

Agency Information Collection Activities; Extension of Previously Approved eCollection eComments Requested; Semi-Annual Progress Report for Grantees of the Transitional Housing Assistance Grant Program

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office on Violence Against Women, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until September 26, 2024.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Catherine Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov*.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** on June 28, 2024 allowing a 60-day comment period. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—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.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number 1122–0016. This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.

2. *The Title of the Form/Collection:* Semi-Annual Progress Report for Grantees of the Transitional Housing Assistance Grant Program.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* 1122–0016.

Affected public who will be asked or required to respond, as well as the obligation to respond:

The affected public includes the approximately 120 grantees of the Transitional Housing Program whose eligibility is determined by statute. This discretionary grant program provides transitional housing, short-term housing assistance, and related support services for individuals who are homeless, or in need of transitional housing or other housing assistance, as a result of fleeing a situation of domestic violence, dating violence, sexual assault, or stalking, and for whom emergency shelter services or other crisis intervention services are unavailable or insufficient. Eligible applicants are States, units of local government, Indian tribal governments, and other organizations, including domestic violence and sexual assault victim services providers, domestic violence or sexual assault coalitions, other nonprofit, nongovernmental

organizations, or community-based and culturally specific organizations, that have a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking. . The obligation to respond is required to obtain/retain a benefit.

4. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that it will take the approximately 120 respondents (Transitional Housing Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Transitional Housing Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

5. *An estimate of the total annual burden (in hours) associated with the collection:* It is estimated that it will take the approximately 120 respondents (Transitional Housing Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Transitional Housing Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

6. The total annual hour burden to complete the data collection forms is 240 hours, that is 120 grantees completing a form twice a year with an estimated completion time for the form being one hour.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* The annualized costs to the Federal Government resulting from the OVW staff review of the progress reports submitted by grantees are estimated to be $13,440.

8.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response (hour)	Total annual burden (hours)
Progress Report Form	120	2/semiannually	240	1	240
Unduplicated Totals	120		240		240

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W–218 Washington, DC 20530.

Dated: August 21, 2024.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2024–19144 Filed 8–26–24; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0007]

Agency Information Collection Activities; Extension of Previously Approved eCollection eComments Requested; Semi-Annual Progress Report for the Legal Assistance for Victims Program (LAV Program)

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office on Violence Against Women, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until September 26, 2024.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Catherine Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.*

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** on June 28, 2024 allowing a 60-day comment period. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—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.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/*PRAMain. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number 1122–0007. This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.

2. *The Title of the Form/Collection:* Semi-Annual Progress Report for

Grantees of the Legal Assistance for Victims Grant Program.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* 1122–0007.

Affected public who will be asked or required to respond, as well as the obligation to respond: The affected public includes the approximately 200 grantees of the LAV Program whose eligibility is determined by statute. The LAV Program awards grants to law school legal clinics, legal aid or legal services programs, domestic violence victims shelters, bar associations, sexual assault programs, private nonprofit entities, and Indian tribal governments. The obligation to respond is required to obtain/retain a benefit.

4. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that it will take the approximately 200 respondents (LAV Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. An LAV Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

5. *An estimate of the total annual burden (in hours) associated with the collection:* It is estimated that it will take the approximately 200 respondents (LAV Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. An LAV grantee will only be required to complete the sections of the form that pertain to its own specific activities.

6. The total annual hour burden to complete the data collection forms is 400 hours, that is 200 grantees completing a form twice a year with an estimated completion time for the form being one hour.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* The annualized costs to the Federal Government resulting from the OVW staff review of the progress reports submitted by grantees are estimated to be $22,400.

8.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response (hour)	Total annual burden (hours)
Progress Report Form	200	2/semiannually	400	1	400
Unduplicated Totals	200		400		400

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC 20530.

Dated: August 21, 2024.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2024–19145 Filed 8–26–24; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Vinyl Chloride Standard

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety & Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before September 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.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The purpose of this standard and its information collection requirements is to provide protection for workers from the adverse effects associated with occupational exposure to vinyl chloride. Employers must monitor worker exposure, reduce worker exposure to permissible exposure limits, and provide medical examinations and other information to workers pertaining to vinyl chloride. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 22, 2024 (89 FR 45025).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs

receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Vinyl Chloride Standard.

OMB Control Number: 1218–0010.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 29.

Total Estimated Number of Responses: 869.

Total Estimated Annual Time Burden: 592 hours.

Total Estimated Annual Other Costs Burden: $32,193.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2024–19162 Filed 8–26–24; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standard

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before September 26, 2024.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2024–0025 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2024–0025.

2. *Fax:* 202–693–9441.

3. *Email: petitioncomments@dol.gov.*

4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, 4th Floor West, Arlington, Virginia 22202–5452.

Attention: S. Aromie Noe, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at 4th Floor West. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2024–011–C.

Petitioner: Fossil Rock Resources, LLC, 5125 North Cottonwood Road, Orangeville, Utah 84537.

Mine: Fossil Rock Mine, MSHA ID No. 42–01211, located in Emery County, Utah.

Regulation Affected: 30 CFR 75.1002(a) (Permissible electric equipment).

Modification Request: The petitioner requests a modification of 30 CFR 75.1002(a) to permit the use of non-permissible battery powered electronic surveying equipment within 150 feet of pillar workings or longwall faces.

The petitioner states that:

(a) In order to comply with requirements of 30 CFR 75.372 and 30 CFR 75.1200, use of the most practical and accurate surveying equipment is necessary.

(b) Mechanical surveying equipment has been obsolete for a number of years. Such equipment of acceptable quality is not commercially available. It is difficult, if not impossible, to have such equipment serviced or repaired. Electronic surveying equipment is, at a minimum, 8–10 times more accurate than mechanical equipment. Fossil Rock mines utilize the continuous miner and longwall methods of mining. Accurate surveying is critical to the safety of the miners at the Fossil Rock Mine.

(c) Underground mining by its nature, size and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner. Use of electronic surveying equipment provides significant safety benefits.

The petitioner proposes the following alternative method:

(a) Non-permissible battery powered electronic surveying equipment to be used include:

(1) Sokkia IM–52–2, IP 66, LI–ON 7.2V, 2993mAh and 21.54 Wh;

(2) An equivalent instrument may be used with the approval of the District Manager.

(b) The equipment used is low voltage or battery-powered non-permissible total stations and theodolites. All non-permissible electronic total stations and theodolites shall have an ingress protection (IP) 66 or greater rating.

(c) The operator shall maintain a logbook for electronic surveying equipment with the equipment, or in the location where mine record books are kept or in the location where the surveying record books are kept. The logbook shall contain the date of manufacture and/or purchase of each piece of electronic surveying equipment. The logbook shall be made available to MSHA upon request.

(d) All non-permissible electronic surveying equipment located within 150 feet of pillar workings or longwall faces shall be examined by the person to operate the equipment prior to taking the equipment underground to ensure the equipment is being maintained in safe operating condition. These examinations shall include:

(1) Checking the instrument for any physical damage and the integrity of the case;

(2) Removing the battery and inspecting for corrosion;

(3) Inspecting the contact points to ensure a secure connection to the battery;

(4) Reinserting the battery and powering up and shutting down to ensure proper connections; and

(5) Checking the battery compartment cover or battery attachment to ensure that is securely fastened.

The results of this examination shall be recorded in the logbook.

(e) The equipment shall be examined at least weekly by a qualified person as defined in 30 CFR 75.153. The examination results shall be recorded

weekly in the equipment's logbook. These records shall be retained for 1 year.

(f) The operator shall ensure that all non-permissible electronic surveying equipment is serviced according to the manufacturer's recommendations. Dates of service shall be recorded in the equipment's logbook and shall include a description of the work performed.

(g) The non-permissible electronic surveying equipment located within 150 feet of pillar workings or longwall faces, shall not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions of the Proposed Decision and Order (PDO) granted by MSHA.

(h) Non-permissible electronic surveying equipment shall not be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more of methane is detected while the non-permissible electronic surveying equipment is being used, the equipment shall be de-energized immediately and withdrawn outby the last open crosscut or out of the return. All requirements of 30 CFR 75.323 shall be complied with prior to entering within 150 feet of pillar workings or longwall faces.

(i) Before setting up and energizing nonpermissible electronic surveying equipment located within 150 feet of pillar workings or longwall faces, the surveyor(s) shall conduct a visual examination of the immediate area for evidence that the area appears to be sufficiently rock-dusted and for the presence of accumulated float coal dust. If the rock-dusting appears insufficient or the presence of accumulated float coal dust is observed, the nonpermissible electronic surveying equipment shall not be energized until sufficient rock dust has been applied and/or the accumulations of float coal dust have been removed. If nonpermissible electronic surveying equipment is to be used in an area that has not been rock-dusted within 40 feet of a working face where a continuous mining machine is used to extract coal, the area shall be rock-dusted prior to energizing the non-permissible electronic surveying equipment.

(j) All hand-held methane detectors shall be MSHA-approved and maintained in permissible and proper operating condition as defined by 30 CFR 75.320. All methane detectors shall provide visual and audible warnings when methane is detected at or above 1.0 percent.

(k) Prior to energizing any of the non-permissible electronic surveying equipment located within 150 feet of pillar workings or longwall faces, methane tests shall be made in accordance with 30 CFR 75.323(a).

(l) All areas to be surveyed must be pre-shifted according to 30 CFR 75.360 prior to surveying. If the area was not pre-shifted, a supplemental examination according to 30 CFR 75.361 shall be performed before any non-certified person enters the area. If the area has been examined according to 30 CFR 75.360 or 30 CFR 75.361, additional examination is not required.

(m) A qualified person as defined in 30 CFR 75.151 shall continuously monitor for methane immediately before and during the use of non-permissible electronic surveying equipment located within 150 feet of pillar workings or longwall faces. A second person in the surveying crew, if there are two people in the crew, shall also continuously monitor for methane. That person shall be a qualified person as defined in 30 CFR 75.151 or be in the process of being trained to be a qualified person but have yet to ''make such tests for a period of 6 months'' as required by 30 CFR 75.150. Upon completion of the 6-month training period, the second person on the surveying crew shall become qualified to continue on the surveying crew. If the surveying crew consists of only one person, the person shall monitor for methane with two separate devices.

(n) Batteries contained in the non-permissible electronic surveying equipment shall be changed out or charged more than 150 feet of pillar workings or longwall faces. Replacement batteries for the non-permissible electronic surveying equipment shall be carried only in the electronic equipment carrying case spare battery compartment. Before each surveying shift, all batteries for the non-permissible electronic surveying equipment shall be charged sufficiently so that they are not expected to be replaced on that shift.

(o) When using non-permissible electronic surveying equipment located within 150 feet of pillar workings or longwall faces, the surveyor shall confirm by measurement or by inquiry of the person in charge of the section that the air quantity on the section, on that shift, in the last open crosscut is at least the minimum quantity required by the mine's ventilation plan.

(p) Personnel engaged in the use of non-permissible electronic surveying equipment shall be properly trained to recognize the hazards and limitations associated with the use of non-permissible electronic surveying equipment in areas where methane could be present.

(q) All members of the surveying crew shall receive specific training on the terms and conditions of the PDO granted by MSHA before using non-permissible electronic surveying equipment located within 150 feet of pillar workings or longwall faces. A record of the training shall be kept with the other training records.

(r) Within 60 days after the PDO granted by MSHA becomes final, the operator shall submit proposed revisions for its approved 30 CFR part 48 training plans to the Coal Mine Safety and Health District Manager. These proposed revisions shall specify initial and refresher training regarding the terms and conditions of the PDO. When training is conducted on the terms and conditions of the PDO, a MSHA Certificate of Training (Form 5000–23) shall be completed and shall include comments indicating it was surveyor training.

(s) The operator shall replace or retire from service any non-permissible electronic surveying instrument acquired prior to December 31, 2004, within 1 year of the PDO granted by MSHA becoming final. Within 3 years of the date the PDO becomes final, the operator shall replace or retire from service any theodolite acquired more than 5 years prior to the date the granted PDO became final and any total station or other electronic surveying equipment identified in the PDO acquired more than10 years prior to the date the PDO became final. After 5 years, the operator shall maintain a cycle of purchasing new electronic surveying equipment so that theodolites shall be no older than 5 years from the date of manufacture and total stations and other electronic surveying equipment shall be no older than 10 years from the date of manufacture.

(t) The operator is responsible for ensuring that all surveying contractors hired by the operator use non-permissible electronic surveying equipment in accordance with the requirements of paragraph (s) of the PDO granted by MSHA. The conditions of use specified in the PDO shall apply to all non-permissible electronic surveying equipment located within 150 feet of pillar workings or longwall faces, regardless of whether the equipment is used by the operator or by an independent contractor.

(u) Non-permissible electronic surveying equipment may be used when production is occurring, subject to these conditions:

(1) On a mechanized mining unit (MMU) where production is occurring, non-permissible electronic surveying equipment shall not be used downwind

of the discharge point of any face ventilation controls, such as tubing (including controls such as ''baloney skins'') or curtains.

(2) Production may continue while non-permissible electronic surveying equipment is used if the surveying equipment is used in a separate split of air from where production is occurring.

(3) Non-permissible electronic surveying equipment shall not be used in a split of air ventilating an MMU if any ventilation controls will be disrupted during such surveying. Disruption of ventilation controls means any change to the mine's ventilation system that causes the ventilation system not to function in accordance with the mine's approved ventilation plan.

(4) If a surveyor must disrupt ventilation while surveying, the surveyor shall cease surveying and communicate to the section foreman that ventilation must be disrupted. Production shall stop while ventilation is disrupted. Ventilation controls shall be reestablished immediately after the disruption is no longer necessary. Production shall only resume after all ventilation controls are reestablished and are in compliance with approved ventilation or other plans and other applicable laws, standards, or regulations.

(5) Any disruption in ventilation shall be recorded in the logbook required by the PDO. The logbook shall include a description of the nature of the disruption, the location of the disruption, the date and time of the disruption, the date and time the surveyor communicated the disruption to the section foreman, the date and time production ceased, the date and time ventilation was reestablished, and the date and time production resumed.

(6) All surveyors, section foremen, section crew members, and other personnel who will be involved with or affected by surveying operations shall receive training in accordance with 30 CFR 48.7 on the requirements of the PDO granted by MSHA within 60 days of the date the PDO becomes final. Such training shall be completed before any non-permissible electronic surveying equipment can be used while production is occurring. The operator shall keep a record of such training and provide it to MSHA upon request.

(7) The operator shall provide annual retraining to all personnel who will be involved with or affected by surveying operations in accordance with 30 CFR 48.8. The operator shall train new miners on the requirements of the PDO granted by MSHA in accordance with 30 CFR 48.5 and shall train experienced miners, as defined in 30 CFR 48.6, on the requirements of the PDO in accordance with 30 CFR 48.6. The operator shall keep a record of such training and provide it to MSHA upon request.

(v) The operator shall post this petition in unobstructed locations on the bulletin boards and/or in other conspicuous places where notices to miners are ordinarily posted, at all the mines for which this Petition applies, for a period of not less than 60 consecutive days.

(w) The miners at Fossil Rock Mine are not represented by a labor organization and this petition is posted at the mine.

The petitioner asserts that the alternate method proposed will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Song-ae Aromie Noe,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2024–19169 Filed 8–26–24; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standard

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before September 26, 2024.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2024–0023 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments for MSHA–2024–0023.

2. *Fax:* 202–693–9441.

3. *Email: petitioncomments@dol.gov*.

4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, 4th Floor West, Arlington, Virginia 22202–5452.

Attention: S. Aromie Noe, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at 4th Floor West. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2024–009–C.

Petitioner: Fossil Rock Resources, LLC, 5125 North Cottonwood Road, Orangeville, Utah 84537.

Mine: Fossil Rock Mine, MSHA ID No. 42–01211, located in Emery County, Utah.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

Modification Request: The petitioner requests a modification of 30 CFR 75.500(d) to permit the use of non-permissible battery powered electronic surveying equipment taken into or used inby the last crosscut.

The petitioner states that:

(a) In order to comply with requirements of 30 CFR 75.372 and 30 CFR 75.1200, use of the most practical and accurate surveying equipment is necessary.

(b) Mechanical surveying equipment has been obsolete for a number of years.

Such equipment of acceptable quality is not commercially available. It is difficult, if not impossible, to have such equipment serviced or repaired. Electronic surveying equipment is, at a minimum, 8–10 times more accurate than mechanical equipment. Fossil Rock mines utilize the continuous miner and longwall methods of mining. Accurate surveying is critical to the safety of the miners at the Fossil Rock Mine.

(c) Underground mining by its nature, size and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner. Use of electronic surveying equipment provides significant safety benefits.

The petitioner proposes the following alternative method:

(a) Non-permissible battery powered electronic surveying equipment to be used include:

(1) Sokkia IM–52–2, IP 66, LI–ON 7.2V, 2993mAh and 21.54 Wh

(2) An equivalent instrument may be used with the approval of the District Manager

(b) The equipment used is low voltage or battery-powered non-permissible total stations and theodolites. All non-permissible electronic total stations and theodolites shall have an ingress protection (IP) 66 or greater rating.

(c) The operator shall maintain a logbook for electronic surveying equipment with the equipment, or in the location where mine record books are kept or in the location where the surveying record books are kept. The logbook shall contain the date of manufacture and/or purchase of each piece of electronic surveying equipment. The logbook shall be made available to MSHA upon request.

(d) All non-permissible electronic surveying equipment taken into or used inby the last crosscut shall be examined by the person to operate the equipment prior to taking the equipment underground to ensure the equipment is being maintained in safe operating condition. These examinations shall include:

(1) Checking the instrument for any physical damage and the integrity of the case;

(2) Removing the battery and inspecting for corrosion;

(3) Inspecting the contact points to ensure a secure connection to the battery;

(4) Reinserting the battery and powering up and shutting down to ensure proper connections; and

(5) Checking the battery compartment cover or battery attachment to ensure that is securely fastened.

The results of this examination shall be recorded in the logbook.

(e) The equipment shall be examined at least weekly by a qualified person as defined in 30 CFR 75.153. The examination results shall be recorded weekly in the equipment's logbook. These records shall be retained for 1 year.

(f) The operator shall ensure that all non-permissible electronic surveying equipment is serviced according to the manufacturer's recommendations. Dates of service shall be recorded in the equipment's logbook and shall include a description of the work performed.

(g) The non-permissible electronic surveying equipment taken into or used inby the last crosscut, shall not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions of the Proposed Decision and Order (PDO) granted by MSHA.

(h) Non-permissible electronic surveying equipment shall not be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more of methane is detected while the non-permissible electronic surveying equipment is being used, the equipment shall be de-energized immediately and withdrawn outby the last crosscut. All requirements of 30 CFR 75.323 shall be complied with prior to entering in or inby the last crosscut.

(i) Before setting up and energizing nonpermissible electronic surveying equipment taken into or used inby the last crosscut, the surveyor(s) shall conduct a visual examination of the immediate area for evidence that the area appears to be sufficiently rock-dusted and for the presence of accumulated float coal dust. If the rock-dusting appears insufficient or the presence of accumulated float coal dust is observed, the nonpermissible electronic surveying equipment shall not be energized until sufficient rock dust has been applied and/or the accumulations of float coal dust have been removed. If non-permissible electronic surveying equipment is to be used in an area that has not been rock-dusted within 40 feet of a working face where a continuous mining machine is used to extract coal, the area shall be rock-dusted prior to energizing the non-permissible electronic surveying equipment.

(j) All hand-held methane detectors shall be MSHA-approved and maintained in permissible and proper operating condition as defined by 30 CFR 75.320. All methane detectors shall provide visual and audible warnings when methane is detected at or above 1.0 percent.

(k) Prior to energizing any of the non-permissible electronic surveying equipment taken into or used inby the last crosscut, methane tests shall be made in accordance with 30 CFR 75.323(a).

(l) All areas to be surveyed must be pre-shifted according to 30 CFR 75.360 prior to surveying. If the area was not pre-shifted, a supplemental examination according to 30 CFR 75.361 shall be performed before any non-certified person enters the area. If the area has been examined according to 30 CFR 75.360 or 30 CFR 75.361, additional examination is not required.

(m) A qualified person as defined in 30 CFR 75.151 shall continuously monitor for methane immediately before and during the use of non-permissible electronic surveying equipment taken into or used inby the last crosscut. A second person in the surveying crew, if there are two people in the crew, shall also continuously monitor for methane. That person shall be a qualified person as defined in 30 CFR 75.151 or be in the process of being trained to be a qualified person but have yet to ''make such tests for a period of 6 months'' as required by 30 CFR 75.150. Upon completion of the 6-month training period, the second person on the surveying crew shall become qualified to continue on the surveying crew. If the surveying crew consists of only one person, the person shall monitor for methane with two separate devices.

(n) Batteries contained in the non-permissible electronic surveying equipment shall be changed out or charged in intake air outby the last crosscut. Replacement batteries for the non-permissible electronic surveying equipment shall be carried only in the electronic equipment carrying case spare battery compartment. Before each surveying shift, all batteries for the non-permissible electronic surveying equipment shall be charged sufficiently so that they are not expected to be replaced on that shift.

(o) When using non-permissible electronic surveying equipment taken into or used inby the last crosscut, the surveyor shall confirm by measurement or by inquiry of the person in charge of the section that the air quantity on the section, on that shift, in the last crosscut is at least the minimum quantity required by the mine's ventilation plan.

(p) Personnel engaged in the use of non-permissible electronic surveying equipment shall be properly trained to recognize the hazards and limitations associated with the use of non-permissible electronic surveying

equipment in areas where methane could be present.

(q) All members of the surveying crew shall receive specific training on the terms and conditions of the PDO granted by MSHA before using non-permissible electronic surveying equipment taken into or used inby the last crosscut. A record of the training shall be kept with the other training records.

(r) Within 60 days after the PDO granted by MSHA becomes final, the operator shall submit proposed revisions for its approved 30 CFR part 48 training plans to the Coal Mine Safety and Health District Manager. These proposed revisions shall specify initial and refresher training regarding the terms and conditions of the PDO. When training is conducted on the terms and conditions of the PDO, a MSHA Certificate of Training (Form 5000–23) shall be completed and shall include comments indicating it was surveyor training.

(s) The operator shall replace or retire from service any non-permissible electronic surveying instrument acquired prior to December 31, 2004, within 1 year of the PDO granted by MSHA becoming final. Within 3 years of the date the PDO becomes final, the operator shall replace or retire from service any theodolite acquired more than 5 years prior to the date the granted PDO became final and any total station or other electronic surveying equipment identified in the PDO acquired more than10 years prior to the date the PDO became final. After 5 years, the operator shall maintain a cycle of purchasing new electronic surveying equipment so that theodolites shall be no older than 5 years from the date of manufacture and total stations and other electronic surveying equipment shall be no older than 10 years from the date of manufacture.

(t) The operator is responsible for ensuring that all surveying contractors hired by the operator use non-permissible electronic surveying equipment in accordance with the requirements of paragraph (s) of the PDO granted by MSHA. The conditions of use specified in the PDO shall apply to all non-permissible electronic surveying equipment taken into or used inby the last crosscut, regardless of whether the equipment is used by the operator or by an independent contractor.

(u) Non-permissible electronic surveying equipment may be used when production is occurring, subject to these conditions:

(1) On a mechanized mining unit (MMU) where production is occurring, non-permissible electronic surveying equipment shall not be used downwind of the discharge point of any face ventilation controls, such as tubing (including controls such as ''baloney skins'') or curtains.

(2) Production may continue while non-permissible electronic surveying equipment is used if the surveying equipment is used in a separate split of air from where production is occurring.

(3) Non-permissible electronic surveying equipment shall not be used in a split of air ventilating an MMU if any ventilation controls will be disrupted during such surveying. Disruption of ventilation controls means any change to the mine's ventilation system that causes the ventilation system not to function in accordance with the mine's approved ventilation plan.

(4) If a surveyor must disrupt ventilation while surveying, the surveyor shall cease surveying and communicate to the section foreman that ventilation must be disrupted. Production shall stop while ventilation is disrupted. Ventilation controls shall be reestablished immediately after the disruption is no longer necessary. Production shall only resume after all ventilation controls are reestablished and are in compliance with approved ventilation or other plans and other applicable laws, standards, or regulations.

(5) Any disruption in ventilation shall be recorded in the logbook required by the PDO. The logbook shall include a description of the nature of the disruption, the location of the disruption, the date and time of the disruption, the date and time the surveyor communicated the disruption to the section foreman, the date and time production ceased, the date and time ventilation was reestablished, and the date and time production resumed.

(6) All surveyors, section foremen, section crew members, and other personnel who will be involved with or affected by surveying operations shall receive training in accordance with 30 CFR 48.7 on the requirements of the PDO granted by MSHA within 60 days of the date the PDO becomes final. Such training shall be completed before any non-permissible electronic surveying equipment can be used while production is occurring. The operator shall keep a record of such training and provide it to MSHA upon request.

(7) The operator shall provide annual retraining to all personnel who will be involved with or affected by surveying operations in accordance with 30 CFR 48.8. The operator shall train new miners on the requirements of the PDO granted by MSHA in accordance with 30 CFR 48.5 and shall train experienced miners, as defined in 30 CFR 48.6, on the requirements of the PDO in accordance with 30 CFR 48.6. The operator shall keep a record of such training and provide it to MSHA upon request.

(v) The operator shall post this petition in unobstructed locations on the bulletin boards and/or in other conspicuous places where notices to miners are ordinarily posted, at all the mines for which this Petition applies, for a period of not less than 60 consecutive days.

(w) The miners at Fossil Rock Mine are not represented by a labor organization and this petition is posted at the mine.

The petitioner asserts that the alternate method proposed will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Song-ae Aromie Noe,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2024–19165 Filed 8–26–24; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standard

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before September 26, 2024.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2024–0024 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2024–0024.

2. *Fax:* 202–693–9441.

3. *Email: petitioncomments@dol.gov.*

4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, 4th Floor West, Arlington, Virginia 22202–5452.

Attention: S. Aromie Noe, Director, Office of Standards, Regulations, and Variances. Persons delivering

documents are required to check in at 4th Floor West. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2024–010–C.

Petitioner: Fossil Rock Resources, LLC, 5125 North Cottonwood Road, Orangeville, Utah 84537.

Mine: Fossil Rock Mine, MSHA ID No. 42–01211, located in Emery County, Utah.

Regulation Affected: 30 CFR 75.507–1(a) (Permissible electric equipment).

Modification Request: The petitioner requests a modification of 30 CFR 75.507–1(a) to permit the use of non-permissible battery powered electronic surveying equipment used in return air outby the last open crosscut.

The petitioner states that:

(a) In order to comply with requirements of 30 CFR 75.372 and 30 CFR 75.1200, use of the most practical and accurate surveying equipment is necessary.

(b) Mechanical surveying equipment has been obsolete for a number of years. Such equipment of acceptable quality is not commercially available. It is difficult, if not impossible, to have such equipment serviced or repaired. Electronic surveying equipment is, at a minimum, 8–10 times more accurate than mechanical equipment. Fossil Rock mines utilize the continuous miner and longwall methods of mining. Accurate surveying is critical to the safety of the miners at the Fossil Rock Mine.

(c) Underground mining by its nature, size and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner. Use of electronic surveying equipment provides significant safety benefits.

The petitioner proposes the following alternative method:

(a) Non-permissible battery powered electronic surveying equipment to be used include:

(1) Sokkia IM–52–2, IP 66, LI–ON 7.2V, 2993mAh and 21.54 Wh

(2) An equivalent instrument may be used with the approval of the District Manager

(b) The equipment used is low voltage or battery-powered non-permissible total stations and theodolites. All non-permissible electronic total stations and theodolites shall have an ingress protection (IP) 66 or greater rating.

(c) The operator shall maintain a logbook for electronic surveying equipment with the equipment, or in the location where mine record books are kept or in the location where the surveying record books are kept. The logbook shall contain the date of manufacture and/or purchase of each piece of electronic surveying equipment. The logbook shall be made available to MSHA upon request.

(d) All non-permissible electronic surveying equipment to be used in return air outby the last open crosscut shall be examined by the person to operate the equipment prior to taking the equipment underground to ensure the equipment is being maintained in safe operating condition. These examinations shall include:

(1) Checking the instrument for any physical damage and the integrity of the case;

(2) Removing the battery and inspecting for corrosion;

(3) Inspecting the contact points to ensure a secure connection to the battery;

(4) Reinserting the battery and powering up and shutting down to ensure proper connections; and

(5) Checking the battery compartment cover or battery attachment to ensure that is securely fastened.

The results of this examination shall be recorded in the logbook.

(e) The equipment shall be examined at least weekly by a qualified person as defined in 30 CFR 75.153. The examination results shall be recorded weekly in the equipment's logbook. These records shall be retained for 1 year.

(f) The operator shall ensure that all non-permissible electronic surveying equipment is serviced according to the manufacturer's recommendations. Dates of service shall be recorded in the equipment's logbook and shall include a description of the work performed.

(g) The non-permissible electronic surveying equipment to be used in return air outby the last open crosscut, shall not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions of the Proposed Decision and Order (PDO) granted by MSHA.

(h) Non-permissible electronic surveying equipment shall not be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more of methane is detected while the non-permissible electronic surveying equipment is being used, the equipment shall be de-energized immediately and withdrawn outby the last open crosscut or out of the return. All requirements of 30 CFR 75.323 shall be complied with prior to entering return air outby the last open crosscut.

(i) Before setting up and energizing nonpermissible electronic surveying equipment used in return air outby the last open crosscut, the surveyor(s) shall conduct a visual examination of the immediate area for evidence that the area appears to be sufficiently rock-dusted and for the presence of accumulated float coal dust. If the rock-dusting appears insufficient or the presence of accumulated float coal dust is observed, the nonpermissible electronic surveying equipment shall not be energized until sufficient rock dust has been applied and/or the accumulations of float coal dust have been removed. If nonpermissible electronic surveying equipment is to be used in an area that has not been rock-dusted within 40 feet of a working face where a continuous mining machine is used to extract coal, the area shall be rock-dusted prior to energizing the non-permissible electronic surveying equipment.

(j) All hand-held methane detectors shall be MSHA-approved and maintained in permissible and proper

operating condition as defined by 30 CFR 75.320. All methane detectors shall provide visual and audible warnings when methane is detected at or above 1.0 percent.

(k) Prior to energizing any of the non-permissible electronic surveying equipment used in return air outby the last open crosscut, methane tests shall be made in accordance with 30 CFR 75.323(a).

(l) All areas to be surveyed must be pre-shifted according to 30 CFR 75.360 prior to surveying. If the area was not pre-shifted, a supplemental examination according to 30 CFR 75.361 shall be performed before any non-certified person enters the area. If the area has been examined according to 30 CFR 75.360 or 30 CFR 75.361, additional examination is not required.

(m) A qualified person as defined in 30 CFR 75.151 shall continuously monitor for methane immediately before and during the use of non-permissible electronic surveying equipment used in return air outby the last open crosscut. A second person in the surveying crew, if there are two people in the crew, shall also continuously monitor for methane. That person shall be a qualified person as defined in 30 CFR 75.151 or be in the process of being trained to be a qualified person but have yet to ''make such tests for a period of 6 months'' as required by 30 CFR 75.150. Upon completion of the 6-month training period, the second person on the surveying crew shall become qualified to continue on the surveying crew. If the surveying crew consists of only one person, the person shall monitor for methane with two separate devices.

(n) Batteries contained in the non-permissible electronic surveying equipment shall be changed out or charged in intake air outby the last open crosscut or out of the return. Replacement batteries for the non-permissible electronic surveying equipment shall be carried only in the electronic equipment carrying case spare battery compartment. Before each surveying shift, all batteries for the non-permissible electronic surveying equipment shall be charged sufficiently so that they are not expected to be replaced on that shift.

(o) When using non-permissible electronic surveying equipment in return air outby the last open crosscut, the surveyor shall confirm by measurement or by inquiry of the person in charge of the section that the air quantity on the section, on that shift, in the last open crosscut is at least the minimum quantity required by the mine's ventilation plan.

(p) Personnel engaged in the use of non-permissible electronic surveying equipment shall be properly trained to recognize the hazards and limitations associated with the use of non-permissible electronic surveying equipment in areas where methane could be present.

(q) All members of the surveying crew shall receive specific training on the terms and conditions of the PDO granted by MSHA before using non-permissible electronic surveying equipment in return air outby the last open crosscut. A record of the training shall be kept with the other training records.

(r) Within 60 days after the PDO granted by MSHA becomes final, the operator shall submit proposed revisions for its approved 30 CFR part 48 training plans to the Coal Mine Safety and Health District Manager. These proposed revisions shall specify initial and refresher training regarding the terms and conditions of the PDO. When training is conducted on the terms and conditions of the PDO, a MSHA Certificate of Training (Form 5000–23) shall be completed and shall include comments indicating it was surveyor training.

(s) The operator shall replace or retire from service any non-permissible electronic surveying instrument acquired prior to December 31, 2004, within 1 year of the PDO granted by MSHA becoming final. Within 3 years of the date the PDO becomes final, the operator shall replace or retire from service any theodolite acquired more than 5 years prior to the date the granted PDO became final and any total station or other electronic surveying equipment identified in the PDO acquired more than10 years prior to the date the PDO became final. After 5 years, the operator shall maintain a cycle of purchasing new electronic surveying equipment so that theodolites shall be no older than 5 years from the date of manufacture and total stations and other electronic surveying equipment shall be no older than 10 years from the date of manufacture.

(t) The operator is responsible for ensuring that all surveying contractors hired by the operator use non-permissible electronic surveying equipment in accordance with the requirements of paragraph (s) of the PDO granted by MSHA. The conditions of use specified in the PDO shall apply to all non-permissible electronic surveying equipment used in return air outby the last open crosscut, regardless of whether the equipment is used by the operator or by an independent contractor.

(u) Non-permissible electronic surveying equipment may be used when production is occurring, subject to these conditions:

(1) On a mechanized mining unit (MMU) where production is occurring, non-permissible electronic surveying equipment shall not be used downwind of the discharge point of any face ventilation controls, such as tubing (including controls such as ''baloney skins'') or curtains.

(2) Production may continue while non-permissible electronic surveying equipment is used if the surveying equipment is used in a separate split of air from where production is occurring.

(3) Non-permissible electronic surveying equipment shall not be used in a split of air ventilating an MMU if any ventilation controls will be disrupted during such surveying. Disruption of ventilation controls means any change to the mine's ventilation system that causes the ventilation system not to function in accordance with the mine's approved ventilation plan.

(4) If a surveyor must disrupt ventilation while surveying, the surveyor shall cease surveying and communicate to the section foreman that ventilation must be disrupted. Production shall stop while ventilation is disrupted. Ventilation controls shall be reestablished immediately after the disruption is no longer necessary. Production shall only resume after all ventilation controls are reestablished and are in compliance with approved ventilation or other plans and other applicable laws, standards, or regulations.

(5) Any disruption in ventilation shall be recorded in the logbook required by the PDO. The logbook shall include a description of the nature of the disruption, the location of the disruption, the date and time of the disruption, the date and time the surveyor communicated the disruption to the section foreman, the date and time production ceased, the date and time ventilation was reestablished, and the date and time production resumed.

(6) All surveyors, section foremen, section crew members, and other personnel who will be involved with or affected by surveying operations shall receive training in accordance with 30 CFR 48.7 on the requirements of the PDO granted by MSHA within 60 days of the date the PDO becomes final. Such training shall be completed before any non-permissible electronic surveying equipment can be used while production is occurring. The operator shall keep a record of such training and provide it to MSHA upon request.

(7) The operator shall provide annual retraining to all personnel who will be involved with or affected by surveying operations in accordance with 30 CFR 48.8. The operator shall train new miners on the requirements of the PDO granted by MSHA in accordance with 30 CFR 48.5 and shall train experienced miners, as defined in 30 CFR 48.6, on the requirements of the PDO in accordance with 30 CFR 48.6. The operator shall keep a record of such training and provide it to MSHA upon request.

(v) The operator shall post this petition in unobstructed locations on the bulletin boards and/or in other conspicuous places where notices to miners are ordinarily posted, at all the mines for which this Petition applies, for a period of not less than 60 consecutive days.

(w) The miners at Fossil Rock Mine are not represented by a labor organization and this petition is posted at the mine.

The petitioner asserts that the alternate method proposed will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Song-ae Aromie Noe,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2024–19168 Filed 8–26–24; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0040]

SGS North America, Inc.: Grant of Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition for SGS North America, Inc., as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on August 27, 2024.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone (202) 693–1999 or email *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; telephone (202) 693–1911 or email *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of SGS North America, Inc., (SGS) as a NRTL. SGS's expansion covers the addition of two test standards to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by NRTLs or applicant organizations for initial recognition, as well as for expansion or renewal of recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including SGS, which details that NRTL's scope of recognition. These pages are available from the OSHA website at *https://www.osha.gov/dts/otpca/nrtl/index.html.*

SGS submitted an application, dated October 4, 2021 (OSHA–2006–0040–0080) to expand the NRTL scope of recognition to include two additional test standards. OSHA staff performed a detailed analysis of the application packet and other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing SGS's expansion application in the **Federal Register** on July 17, 2024 (89 FR 58190). The agency requested comments by August 1, 2024, but it received no comments in response to this notice.

To obtain or review copies of all public documents pertaining to the SGS application, go to *http://www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. Docket No. OSHA–2006–0040 contains all materials in the record concerning SGS's recognition. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

II. Final Decision and Order

OSHA staff examined SGS's expansion application, its capability to meet the requirements of the test standard, and other pertinent information. Based on its review of this evidence, OSHA finds that SGS meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitations and conditions listed in this notice. OSHA, therefore, is proceeding with this final notice to grant SGS's expanded scope of recognition. OSHA limits the expansion of SGS's recognition to testing and certification of products for demonstration of conformance to the test standards listed below in Table 1.

TABLE 1—TEST STANDARDS FOR INCLUSION IN SGS'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 1564	Industrial Battery Chargers.
UL 2580	Batteries for Use in Electric Vehicles.

The American National Standards Institute (ANSI) may approve the test standard listed above as an American National Standard. However, for convenience, we may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program's policy (see OSHA Instruction CPL 01–00–004, Chapter 2, Section VIII), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, SGS must abide by the following conditions of the recognition:

1. SGS must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. SGS must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. SGS must continue to meet the requirements for recognition, including all previously published conditions on SGS's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of SGS as a NRTL, subject to the limitations and conditions specified above.

III. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393, Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on August 20, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024–19163 Filed 8–26–24; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 24–057]

NASA Planetary Science Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Planetary Science Advisory Committee. The meeting will be held specifically to discuss reporting under the Government Performance and Results Act Modernization Act (GPRAMA).

DATES: Friday, September 20, 2024, 12:00 p.m.–3:00 p.m. eastern time.

ADDRESSES: Virtual meeting via WebEx only.

FOR FURTHER INFORMATION CONTACT: Ms. KarShelia Kinard, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2355 or *karshelia.kinard@nasa.gov*.

SUPPLEMENTARY INFORMATION: As noted above, the meeting will be available to the public via WebEx only. The meeting event address for attendees is: *https://nasaevents.webex.com/nasaevents/j.php?MTID=m636ac9f4c2cdc0dd0cef8d34d158c3a5*. The Webinar number is 2830 953 3722 and the password is 3hYpfBRGT73 (34973274 when dialing from a phone or video system). To join by telephone, call: 312–500–3163 United States Toll (Chicago) or 415–527–5035 United States Toll; Access code: 283 095 33722

Accessibility: Captioning will be provided for this meeting. We are committed to providing equal access to this meeting for all participants. If you need alternative formats or other reasonable accommodations, please contact Ms. KarShelia Kinard, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2355 or *karshelia.kinard@nasa.gov*. The agenda for the meeting will include reporting under the Government Performance and Results Act Modernization Act (GPRAMA) for NASA's Planetary Science Division.

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

For more information, please visit *https://science.nasa.gov/researchers/nac/science-advisory-committees/pac/*.

Jamie M. Krauk,

Advisory Committee Management Officer. National Aeronautics and Space Administration.

[FR Doc. 2024–19241 Filed 8–26–24; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Request for Information on the CHIPS and Science Act Section 10343. Research Ethics

AGENCY: National Science Foundation.

ACTION: Request for Information.

SUMMARY: The U.S. National Science Foundation (NSF) is an independent federal agency that supports research at the frontiers of current knowledge, across all fields of science, engineering and education in all 50 states and U.S. territories. NSF is issuing this Request for Information (RFI) to seek input to inform the development of the agency's response to Section 10343. Research Ethics in the CHIPS and Science Act of 2022. NSF welcomes feedback from interested parties. This includes representatives from non-profit organizations, philanthropies, industry, local, state, and tribal government offices/agencies, K–12 schools and districts, institutions of higher education, trade, and/or vocational schools.

DATES: Interested persons or organizations are invited to submit comments on or before 11:59 p.m. (EST) on Friday, November 15, 2024.

ADDRESSES: To respond to this Request for Information, please use the official submission form available at: *https://www.surveymonkey.com/r/ResearchEthicsRFI.*

Respondents only need to provide feedback on one or more questions of interest or relevance to them. Each question is voluntary and optional. The response to each question has a 4,000-character limit including spaces.

FOR FURTHER INFORMATION CONTACT: For further information, please direct questions to Jason Borenstein through email: *CHIPSethicsRFI@nsf.gov,* phone: 703–292–4207, or mail: 2415 Eisenhower Avenue, Alexandria, VA 22314, USA.

SUPPLEMENTARY INFORMATION: Section 10343 (''Research Ethics'') of the CHIPS and Science Act of 2022 (Pub. L. 117–167) directs NSF to incorporate ethical, social, safety, and security considerations into the merit review process that is used to evaluate research projects or other activities for funding. Section 10343 notes that ''a number of emerging areas of research have potential ethical, social, safety, and security implications that might be apparent as early as the basic research stage.'' In addition, Section 10343 states that ''the incorporation of ethical, social, safety, and security considerations into the research design and review process for Federal awards may help mitigate potential harms before they happen.'' Moreover, Section 10343 states that ''The Foundation should continue to work with stakeholders to promote best practices for governance of research in emerging technologies at every stage of research.''

Through this Request for Information, NSF seeks input on ways to incorporate ethical, social, safety, and security considerations into the agency's merit review process and to develop strategies for mitigating the potential harms of scientific research and amplifying societal benefits from such research. Responses to one or more of the

questions listed below can be sent to NSF by using the official submission form.

Ethical, Social, Safety, and Security Considerations

Question 1: Describe ethical, social, safety, and/or security risks from current or emerging research activities that you believe might be of concern to the community, profession, or organization with which you are connected.

Question 2: Which products, technologies, and/or other outcomes from research do you think could cause significant harm to the public in the foreseeable future?

Question 3: Describe one or more approaches for identifying ethical, social, safety, and/or security risks from research activities and balancing such risks against potential benefits.

Question 4: Describe one or more strategies for encouraging research teams to incorporate ethical, social, safety, and/or security considerations into the design of their research approach. Also, how might the strategy vary depending on research type (for example, basic vs. applied) or setting (for example, academia or industry)?

NSF's Approach to Ethical, Social, Safety, and Security Considerations

Question 5: How might NSF work with stakeholders to promote best practices for governance of research in emerging technologies at every stage of research?

Question 6: How could ethical, social, safety, and/or security considerations be incorporated into the instructions for proposers or into NSF's merit review process? Also, what challenges could arise if the merit review process is modified to include such considerations?

Question 7: What other measures could NSF consider as it seeks to identify and mitigate ethical, social, safety, and/or security risks from research projects or other activities that the agency supports?

NSF, at its discretion, will use the information submitted in response to this RFI to help inform future program directions, new initiatives, and potential funding opportunities. The information provided will be analyzed, may appear in reports, and may be shared publicly on agency websites. Respondents are advised that the government is under no obligation to acknowledge receipt of the information or provide feedback to respondents with respect to any information submitted. *No proprietary, classified, confidential, or sensitive information should be included in your response submission.* The government reserves the right to use any non-proprietary technical information in any resultant solicitations, policies, or procedures.

(Authority: Public Law 117–167.)

Dated: August 22, 2024.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2024–19245 Filed 8–26–24; 8:45 am]

BILLING CODE 7555–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2024–527 and CP2024–535; MC2024–528 and CP2024–536; MC2024–529 and CP2024–537; MC2024–530 and CP2024–538; MC2024–531 and CP2024–539; MC2024–532 and CP2024–540]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 29, 2024.

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

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

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2024–527 and CP2024–535; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 305 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 21, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Jennaca D. Upperman; *Comments Due:* August 29, 2024.

2. *Docket No(s).:* MC2024–528 and CP2024–536; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 306 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 21, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Gregory S. Stanton; *Comments Due:* August 29, 2024.

3. *Docket No(s).:* MC2024–529 and CP2024–537; *Filing Title:* USPS Request

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

to Add Priority Mail & USPS Ground Advantage Contract 307 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 21, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Gregory S. Stanton; *Comments Due:* August 29, 2024.

4. *Docket No(s).:* MC2024–530 and CP2024–538; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 308 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 21, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Arif Hafiz; *Comments Due:* August 29, 2024.

5. *Docket No(s).:* MC2024–531 and CP2024–539; *Filing Title:* USPS Request to Add Parcel Select Contract 62 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 21, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Arif Hafiz; *Comments Due:* August 29, 2024.

6. *Docket No(s).:* MC2024–532 and CP2024–540; *Filing Title:* USPS Request to Add Priority Mail, USPS Ground Advantage & Parcel Select Contract 7 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 21, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Arif Hafiz; *Comments Due:* August 29, 2024.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2024–19216 Filed 8–26–24; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2024–521 and CP2024–529; MC2024–522 and CP2024–530; MC2024–523 and CP2024–531; MC2024–524 and CP2024–532; MC2024–525 and CP2024–533; MC2024–526 and CP2024–534]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 28, 2024.

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

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

SUPPLEMENTARY INFORMATION:

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I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

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II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2024–521 and CP2024–529; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 229 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* August 28, 2024.

2. *Docket No(s).:* MC2024–522 and CP2024–530; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 230 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* August 28, 2024.

3. *Docket No(s).:* MC2024–523 and CP2024–531; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 231 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* August 28, 2024.

4. *Docket No(s).:* MC2024–524 and CP2024–532; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 232 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Alain Brou; *Comments Due:* August 28, 2024.

5. *Docket No(s).:* MC2024–525 and CP2024–533; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 233 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public*

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

Representative: Alain Brou; *Comments Due:* August 28, 2024.

6. *Docket No(s).:* MC2024–526 and CP2024–534; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 234 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Jennaca D. Upperman; *Comments Due:* August 28, 2024.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2024–19161 Filed 8–26–24; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100798; File No. SR–CboeBYX–2024–030]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt New Market Data Reports

August 21, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 15, 2024, Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') proposes to adopt new market data reports. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/byx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.22 (Data Products) to adopt the Cboe Timestamping Service, which is a market data service comprised of two distinct market data reports. The Cboe Timestamping Service will provide timestamp information for orders and cancels for market participants. More specifically, the Cboe Timestamping Service reports will provide various timestamps relating to the message lifecycle throughout the exchange system. The first report—the Missed Liquidity Report—will cover order messages and the second report—Cancels Report—will cover cancel messages. The proposed reports are optional products that will be available to all Members and Members may opt to choose both reports, one report, or neither report. Corresponding fees will be assessed based on the number of reports selected.[5]

The Exchange notes that the data included in the proposed reports will be based only on the data of the market participant that opts to subscribe to the reports (''Recipient Member'') and will not include information related to any Member other than the Recipient Member. The Exchange will restrict all other market participants from receiving another market participant's data. Additionally, neither report includes real-time market data. Rather, the reports will contain historical data from the prior trading day and will be available after the end of the trading day, generally on a T+1 basis.

Currently, the Exchange provides real-time prices and analytics in the marketplace. The Exchange proposes to introduce the Missed Liquidity and Cancel Reports in response to Member demand for additional data concerning the timeliness of their incoming orders, cancel messages and executions against resting orders. Members have frequently requested from the Exchange's trading operations personnel information concerning the timeliness of their incoming orders, cancel messages and efficacy of their attempts to execute against resting liquidity on the Exchange's Book. The Exchange believes the additional data points outlined below may help Members gain a better understanding about their interactions with the Exchange. The Exchange believes these reports will provide Members with an opportunity to learn more about better opportunities to access liquidity and receive better execution rates and improve order cancel success. The proposed reports will also increase transparency and democratize information so that all Members that subscribe to either or both reports have access to the same information on an equal basis.

The proposed Missed Liquidity Report will provide time details for executions of orders that rest on the book where the Member receiving the report attempted to execute against that resting order within an Exchange-determined amount of time (not to exceed 1 millisecond) after receipt of the first attempt to execute against the resting order and within an Exchange-determined amount of time (not to exceed 100 microseconds) before receipt of the first attempt to execute against the resting order.[6] For example, if a Member sends in a marketable order, but an order resting on the Exchange order book was subsequently executed, the Missed Liquidity Report can assist the Member in determining by how much time that order missed an execution.[7]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] The Exchange plans to submit a separate filing with the Commission pursuant to Section 19(b)(1) to propose fees for the Missed Liquidity Report and Cancels Report.

[6] The Exchange will announce the Exchange-determined timeframes with reasonable advance notice via Exchange Notice.

[7] For example, Participant A submits an order that is posted to the Exchange's Book. Participant B at some point thereafter enters a marketable order to execute against Participant A's resting order. Within 500 microseconds of Participant B's submission, Participant C, also sends a marketable order to execute against Participant A's resting order. Because Participant B's order is received by the Exchange before Participant C's order, Participant B's order executes against Participant A's resting order. The proposed Report would provide Participant C (the Recipient Member of the report) the data points necessary for that firm to

The Cancels Report will provide liquidity response time details for orders that rest on the book where the Member receiving the report attempted to cancel that resting order or any other resting order within an Exchange-determined amount of time (not to exceed 1 millisecond) after receipt of the order that executed against the resting order and within an Exchange-determined amount of time (not to exceed 100 microseconds) before receipt of the order that executed against the resting order.[8] For example, if a market participant sends in a cancel message, but an order resting on the Exchange order book was executed prior to the system processing the cancel message, the Cancel report can assist the market participant in determining by how much time that order missed being canceled instead of executing.[9]

Both the Missed Liquidity Report and Cancels Report will include the following data elements for orders [10] and cancel messages,[11] respectively: (1) Recipient Member Firm ID; (2) Symbol; (3) Execution ID; [12] (3) Exchange System Timestamps for orders and cancels; [13] (4) Matching Unit number; [14] (5) Queued; [15] (6) Port Type; [16] and (7) Aggressor Order Type.[17] No specific information about resting orders on the Exchange book will be provided.

Market participants generally would use liquidity accessing orders if there is a high probability that it will execute an order resting on the Exchange order book. As noted above, the Missed Liquidity Report helps subscribing market participants to better understand by how much time they missed executing against certain resting orders. The Exchange therefore believes this report will provide greater visibility into what was missed in trading so market participants can better determine whether they want to invest in the technology to mitigate the misses. It may also allow for them to optimize their models and trading patterns to yield better execution results. Similarly, the Cancels Report will provide information that helps subscribing market participants determine how best to improve success rates with respect to canceling their orders, which reduces exposure and manages risk.

The Exchange notes the data information contained within the proposed Missed Opportunities Report and Cancels Report are similar to data provided in reports that currently are, or historically have been, offered by other exchanges.[18]

Implementation

The Exchange will announce via Exchange Notice the implementation date of the proposed rule change, which shall occur no later than 60 days after the operative date of this rule filing.

2. Statutory Basis

The Exchange believes that the proposed Cboe One Options Feed [sic] is consistent with Section 6(b) of the Act,[19] in general, and furthers the objectives of Section 6(b)(5) of the Act,[20] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest, and that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes this proposal is consistent with Section 6(b)(5) of the Act because it protects investors and the public interest and promotes just and equitable principles of trade by providing investors with new options for receiving market data as requested by market participants and Section 6(b)(8) of the Act, which requires that the rules of an exchange not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.[21] This proposal is in keeping with those principles in that it promotes increased transparency through the dissemination of the optional Missed Liquidity and Cancels Report to those interested in paying to receive either or both of these reports.

The Exchange also believes this proposal is consistent with Section 6(b)(5) of the Act because it protects investors and the public interest and promotes just and equitable principles of trade by providing investors with new options for receiving market data as requested by potential purchasers. The proposed rule change would benefit investors by facilitating their prompt access to the value-added information that is included in the proposed reports. The reports will allow Members to access information regarding their trading activity that they may utilize to evaluate their own trading behavior and order interactions. It also promotes just and equitable principles of trade because it would provide latency information in a systematized way and standardized format to any Member that chooses to subscribe to the proposed reports. As discussed, the proposed reports are also not real-time market data products, but rather provide only historical trading data for the previous trading day, generally on a T+1 basis. In addition, the data in the reports

calculate by how much time they missed executing against Participant A's resting order.

[8] The Exchange will announce the Exchange-determined timeframes with reasonable advance notice via Exchange Notice.

[9] For example, Participant A submits an order that is posted to the Exchange's Book and Participant B at some point thereafter submits a marketable order to execute against Participant A's resting order. Within 500 microseconds of submission of Participant B's order, Participant A sends a cancel message to cancel its resting order. Because Participant B's order is processed at the Matching Engine by the Exchange before Participant A's cancel message, Participant B's order executes against Participant A's resting order. The proposed Report would provide Participant A the data points necessary for that firm to calculate by how much time they missed canceling its resting order.

[10] The Missed Liquidity Report will only include trade events which are triggered by an order that removed liquidity on entry and will exclude trade events resulting from: elected stop orders, orders routed and executed at away venues, and peg order movements, and auctions.

[11] Includes individual order cancellations, mass cancels, and purge orders messages that are sent via Financial Information Exchange (''FIX'') protocol or Binary Order Entry (BOE) protocol by a subscriber.

[12] The Execution ID is a unique reference number assigned by the Exchange for each trade.

[13] Includes Network Discovery Time (which is a network hardware switch timestamp taken at the network capture point); Order Handler NIC Timestamp (which is a hardware timestamp that represents when a BOE order handler server NIC observed the message); Order Handler Received Timestamp (which is software timestamp that represents when the FIX or BOE order handler has begun processing the order after the socket read); Order Handler Send Timestamp (which represents when the FIX or BOE order handler has finished processing the order and begun sending to the matching engine); Matching Engine NIC Timestamp (which is a hardware timestamp that represents when the target matching engine server NIC observed the message); and Matching Engine Transaction Timestamp (which is a software timestamp that represents when the matching engine has started processing an event).

[14] Represents the matching unit number.

[15] Flag to indicate whether a message was delayed due to message in flight limits (*i.e.,* a limit on the total number of messages in flight between an order handler and a matching engine).

[16] Refers to the port type used by the session to send the applicable message.

[17] Indicates whether the order type of the response order that executed against the resting order was a new order or modify message.

[18] The proposed Report is based on a similar report previously provided by the NASDAQ Stock Market LLC (''NASDAQ'') for equity securities called the Missed Opportunity—Latency report as part of its NASDAQ Trader Insights offering. *See* Securities Exchange Act Release No. 78886 (September 20, 2016), 81 FR 66113 (September 26, 2016) (SR–NASDAQ–2016–101) (Order Granting Approval of Proposed Rule Change, as Modified by Amendment Nos. 1 and 2, To Add NASDAQ Rule 7046 (Nasdaq Trading Insights)) (''NASDAQ Approval Order''). The report is also similar to a report currently provided by MIAX Emerald, LLC (''MIAX Emerald'') and its affiliates, called the Liquidity Taker Event Report. *See e.g.,* MIAX Emerald Rule 531. *See also* Securities Exchange Act Release No. 91356 (March 18, 2021), 86 FR 15759 (March 24, 2021) (SR–EMERALD–2021–09).

[19] 15 U.S.C. 78f.

[20] 15 U.S.C. 78f(b)(5).

[21] 15 U.S.C. 78f(b)(8).

regarding incoming orders that failed to execute or incoming cancels that failed to cancel would be specific to the Recipient Member's messages. As noted above, no specific information about the resting orders on the Exchange book will be provided and any information relating to another Member would be anonymized.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (''SROs'') and broker dealers increased authority and flexibility to offer new and unique market data to consumers of such data. It was believed that this authority would expand the amount of data available to users and consumers of such data and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed reports are the sort of market data product that the Commission envisioned when it adopted Regulation NMS.

The Commission concluded that Regulation NMS—by deregulating the market in proprietary data—would itself further the Act's goals of facilitating efficiency and competition:

''[E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data.'' [22]

By removing ''unnecessary regulatory restrictions'' on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history. This proposed Cboe Timestamping Service (*i.e.,* the Missed Liquidity and Cancels Reports) provides investors with new options for receiving market data, which was a primary goal of the market data amendments adopted by Regulation NMS.[23]

The proposed reports are designed for Members that are interested in gaining insight into latency in connection with their respective (1) orders that failed to execute against an order resting on the Exchange order book and/or (2) cancel messages that failed to cancel resting orders. The Exchange believes that providing this optional data to interested market participants for a fee is consistent with facilitating transactions in securities, removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest because it provides additional information and insight to subscribing market participants regarding their trading activity on the Exchange. More specifically, the proposed reports provide greater visibility into exactly what was missed in trading so market participants may optimize their models and trading patterns to yield better execution results by identifying by how much time an order that may have been marketable missed executing and by how much time a cancel message missed canceling.

As mentioned above, other exchanges currently offer, or have previously offered, similar trading related reports that have been reviewed and approved by the Commission.[24] For example, MIAX Emerald currently offers the Liquidity Taker Event Report and Nasdaq historically provided the Missed Opportunity—Latency report as part of its NASDAQ Trader Insights offering.[25] MIAX Emerald's Liquidity Taker Event Report and Nasdaq's prior Missed Opportunity—Latency report, like the proposed Missed Liquidity Report, identify by how much time an order missed executing against a resting order. Also, like the MIAX Emerald and Nasdaq's analogous reports, the Exchange's proposed reports are provided on a T+1 basis and include data specific to one Member, and only that Member would receive the report. The proposed reports, like the reports of MIAX Emerald and Nasdaq, restrict all other market participants, including the Recipient Member, from receiving another market participant's data. In addition, the proposed reports, like the MIAX Emerald and Nasdaq reports, are each intended to provide the Recipient Member with the time duration by which the order entered by the Recipient Member missed an execution or similarly, missed canceling an order before it could execute.[26] The proposed reports, along with the MIAX Emerald Liquidity Taker Event Report and/or Nasdaq Missed Opportunities—Latency reports, each include the following information:

- Recipient Member identifier
- Symbol
- Execution ID
- Order reference number (unique reference number assigned to a new order at the time of receipt)
- Exchange System Timestamps for incoming orders and cancels, including timestamps to determine the time difference between the time the first response that executes against the resting order was received by the Exchange and the time of each response sent by the Recipient Member, regardless of whether it executed or not
- The order type of the response that executes against the resting order

The proposed reports include the following information that are/were not included in either the MIAX Emerald Liquidity Taker Event Report and/or Nasdaq Missed Opportunities—Latency Report:

- Matching Unit Number. This information is specific to the Exchange's matching unit architecture
- Queued. This information indicates whether or not a message was delayed due to message in flight limits, which limits are specific to the Exchange only
- The port type

Lastly, the proposed reports do not include the following information that is/was included in both the MIAX Emerald Liquidity Taker Event Report and Nasdaq Missed Opportunities—Latency Report:

- Side (buy or sell). This information is already available via OPRA or the Exchange's proprietary data feeds
- Displayed price and size. This information is already available via

[22] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005) (''Regulation NMS Adopting Release'').

[23] *See* Regulation NMS Adopting Release, supra, at 37503.

[24] Supra Note 18.

[25] The Exchange notes that like Nasdaq's Missed Opportunity—Latency report, the proposed reports cover equity securities, whereas the MIAX Emerald Liquidity Taker Event Report covers options trading. The Exchange believes this difference is of no consequence as each of these reports are intended to serve the same purpose—providing firms with an opportunity to learn more about when they may have better opportunities to access liquidity and to receive better execution rates or cancel success.

[26] Although not clearly defined, the Exchange believes that MIAX Emerald's Liquidity Taker Event Report also provides information relating to cancel messages. Particularly, MIAX Emerald Liquidity Taker Event Report provides, among other things, data relating to the ''type of each response submitted by the Recipient Member.'' *See* MIAX Emerald Rule 5.31(a)(iii)(C). MIAX Emerald's technical specifications outline the various types of available liquidity messages including, Simple Mass Quote Cancel Request and Mass Liquidity Cancel Request *See* MIAX Express Interface for Quoting and Trading Options, MEI Interface Specification, Section 4.1 (Liquidity Messages), available at: MIAX_Express_Interface_MEI_v2.2a.pdf (*miaxglobal.com*). The Exchange also believes that providing the same data points for cancel messages as the data provided for orders messages is of no materials consequence as the Cancels Report is intended to serve a similar purpose as the proposed Missed Liquidity Report—providing Members additional information to better understand the efficacy of their incoming orders and cancel messages.

OPRA or the Exchange's proprietary data feeds
- The time a resting order was received by the Exchange. The Exchange does not believe information relating to the time a resting order was received is as relevant as the above-described data that will be included nor is it necessary with respect to the goal of the proposed reports which is to better understand by how much time a particular order missed executing against an order resting on the Book or a cancel message missed canceling against an order resting on the Book.

As illustrated above, the proposed reports are substantially similar to the MIAX Emerald Liquidity Taker Event Report and Nasdaq's former Missed Opportunities—Latency Report and includes a number of the same data elements designed to assist Members in better understanding their trading activity on the Exchange and augment their trading strategies to improve their execution opportunities.

In approving Nasdaq's Missed Opportunity—Latency report, the Commission noted that the report ''would increase transparency, particularly for Members who may not have the expertise to generate the same information.'' [27] The Exchange's proposed reports would achieve the same goal for Members seeking to better understand the efficacy of their incoming orders and cancel messages. Further, the proposed reports promote just and equitable principles of trade because it will increase transparency and democratize information so that all firms may elect to subscribe to either, or both, reports even though some firms may not have the appropriate resources to generate a similar report themselves.

The Exchange proposes to provide the reports on a voluntary basis and no Member will be required to subscribe to either report. The Exchange notes that there is no rule or regulation that requires the Exchange to produce, or that a Member elect to receive, either report. It is entirely a business decision of each Member to subscribe to one, both, or neither report. The Exchange proposes to offer the reports as a convenience to Members to provide them with additional information regarding trading activity on the Exchange on a delayed basis after the close of regular trading hours. A Member that chooses to subscribe to the reports may discontinue receiving either report at any time if that Member determines that the information contained in the Report is no longer useful.

In summary, the proposed reports will help to protect a free and open market by providing additional historical data (offered on an optional basis) to the marketplace and by providing investors with greater choices. Additionally, the proposal would not permit unfair discrimination because the proposed reports will be available to all Exchange Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that the proposed Report will enhance competition by providing a new option for receiving market data to Members. The proposed Report will also further enhance competition between exchanges by allowing the Exchange to expand its product offerings to include reports similar to a report that is currently offered by other exchanges.[28]

Additionally, the Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Market participants are not required to purchase either proposed report, and the Exchange is not required to make either report available to investors. Rather, the Exchange is voluntarily making these reports available, as requested by Members, and Members may choose to receive (and pay for) this data based on their own business needs. Potential purchasers may request the data at any time if they believe it to be valuable or may decline to purchase such data.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [29] and Rule 19b–4(f)(6) [30] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–CboeBYX–2024–030 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeBYX–2024–030. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be

[27] *See* Securities Exchange Act Release No. 78886 (September 20, 2016), 81 FR 66113 (September 26, 2016) (SR–NASDAQ–2016–101) (Order Granting Approval of Proposed Rule Change, as Modified by Amendment Nos. 1 and 2, To Add NASDAQ Rule 7046 (Nasdaq Trading Insights)) (''NASDAQ Approval Order'').

[28] *See e.g.,* MIAX Emerald Rule 531.

[29] 15 U.S.C. 78s(b)(3)(A).

[30] 17 CFR 240.19b–4(f)(6).

available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeBYX–2024–030 and should be submitted on or before September 17, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–19153 Filed 8–26–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100793; File No. SR–MEMX–2024–31]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Fee Schedule Regarding Options Market Data Products

August 21, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 8, 2024, MEMX LLC (''MEMX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposed rule change to amend the Market Data section of its fee schedule applicable to its equity options platform (''MEMX Options'') to adopt fees for certain of its market data products, which are currently offered free of charge, pursuant to MEMX Rules 15.1(a) and (c). The Exchange proposes to implement the changes to the Fee Schedule pursuant to this proposal immediately. The text of the proposed rule change is provided in Exhibit 5.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Market Data section of the Exchange's fee schedule applicable to MEMX Options (''MEMX Options Fee Schedule'') to adopt fees for certain of its options market data products which are currently offered free of charge, namely MEMOIR Options Depth and MEMOIR Options Top (collectively, the ''Options Data Feeds''). As set forth below, the Exchange believes that the proposed fees are fair and reasonable and has based its proposal on a detailed cost analysis, as well as other factors including a comparison to competitor pricing. The Exchange is proposing to implement the proposed fees immediately. The Exchange previously filed this proposal on March 28, 2024 (SR–MEMX–2024–11) (the ''Initial Proposal''). On April 15, 2024, the Exchange withdrew the Initial Proposal and replaced it with SR–MEMX–2024–14 (the ''Second Proposal''),[3] and on June 14, 2024, the Exchange withdrew the Second Proposal and replaced it with SR–MEMX–2024–25 (the ''Third Proposal'').[4] Now, the Exchange is withdrawing the Third Proposal and is replacing it with the current filing.

Before setting forth the additional details regarding the proposal as well as the cost analysis conducted by the Exchange, immediately below is a description of the proposed fees.

Proposed Market Data Pricing

MEMX Options offers two separate data feeds to subscribers—MEMOIR Options Depth and MEMOIR Options Top. The Exchange notes that there is no requirement that any subscribing entity (''Firm'') subscribe to a particular Options Data Feed or any Options Data Feed whatsoever, but instead, a Firm may choose to maintain subscriptions to those Options Data Feeds they deem appropriate based on their business model. The proposed fee will not apply differently based upon the size or type of Firm, but rather based upon the subscriptions a Firm has to Options Data Feeds. The proposed pricing for each of the Options Data Feeds is set forth below.

MEMOIR Options Depth

The MEMOIR Options Depth feed is a MEMX-only market data feed that contains depth of book quotations and execution information based on options orders entered in the System.[5] For the receipt of access to the MEMOIR Options Depth feed, the Exchange proposes to charge $1,500 per month. This proposed access fee would be charged to any data recipient that receives a data feed of the MEMOIR Options Depth feed for purposes of internal distribution (*i.e.,* an ''Internal Distributor''), for external redistribution (*i.e.* an ''External Distributor''), or both. The Exchange proposes to define an Internal Distributor as ''a Distributor that receives an Exchange Data product and then distributes that data to one or more data recipients within the Distributor's own organization,'' [6] and an External Distributor as ''a Distributor that receives an Exchange Data product and then distributes that data to a third party or one or more data recipients outside the Distributor's own organization.'' [7] The proposed access fee will be charged only once per month per Firm regardless of whether the Firm uses the MEMOIR Options Depth feed

[31] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 99998 (April 19, 2024), 89 FR 32507 (April 26, 2024) (SR–MEMX–2024–14).

[4] *See* Securities Exchange Act Release No. 100435 (June 26, 2024), 89 FR 54878 (July 2, 2024) (SR–MEMX–2024–25).

[5] *See* MEMX Rule 21.15(b)(1).

[6] *See* Market Data Definitions under the proposed MEMX Options Fee Schedule. The Exchange also proposes to adopt a definition for ''Distributor'', which would mean any entity that receives an Exchange Data product directly from the Exchange or indirectly through another entity and then distributes internally or externally to a third party.

[7] *See* Market Data Definitions under the proposed MEMX Options Fee Schedule.

for internal distribution, external distribution, or both.[8]

MEMOIR Options Top

The MEMOIR Options Top feed is a MEMX-only market data feed that contains top of book quotations and executions based on options orders entered into the System.[9] For the receipt of access to the MEMOIR Options Top feed, the Exchange proposes to charge $750 per month. This proposed access fee would be charged to any data recipient that receives a data feed of the MEMOIR Options Top feed for purposes of internal distribution (*i.e.,* an Internal Distributor), external redistribution (*i.e.* an External Distributor), or both. The proposed access fee for internal and external distribution will be charged only once per month per Firm regardless of whether the Firm uses the MEMOIR Options Top feed for internal distribution, external distribution, or both.

Billing Process

The Exchange proposes to bill for the Options Data Feeds in the same manner as it does for the market data products it provides for its equities Exchange, (the ''Equities Data Feeds''), and to make this clear on the Fee Schedule. Specifically, the Fee Schedule would state that ''[f]ees for Market Data products are assessed based on each active product at the close of business on the first day of each month,'' and that ''[i]f a product is cancelled by a subscriber's submission of a written request or via the MEMX User Portal prior to such fee being assessed, then the subscriber will not be obligated to pay the applicable product fee. MEMX does not return pro rated fees if a product is not used for an entire month.'' The Exchange believes that this billing methodology has been efficient with respect to the Equities Data Feeds and is well understood by market participants.

Additional Discussion—Background

The Exchange launched MEMX Options on September 27, 2023. As a new entrant in the equity options trading space, MEMX did not begin charging fees for options market data until April 1, 2024. The objective of this approach was to eliminate any fee-based barriers for Members to join the Exchange, which the Exchange believes was helpful in its ability to attract order flow as a new options exchange. Further, the Exchange did not initially charge for options market data because MEMX believes that any exchange should first deliver meaningful value to Members and other market participants before charging fees for its products and services.

The Exchange also did not begin charging for the Equities Data Feeds until 2022, nearly two years after it launched as a national securities exchange in 2020. In connection with the adoption of fees for the Equities Data Feeds, the Exchange conducted an extensive cost analysis (the ''2022 Cost Analysis''),[10] and the Exchange's Initial and Second Proposal to adopt fees for Options Data Feeds stemmed from the same cost analysis, which it reviewed and updated for 2024 (the ''2024 Cost Analysis''). The 2024 Cost Analysis combined costs for providing market data for both its equities and options trading platforms (the ''Exchange Data Feeds'') due to the fact that in general, the Exchange did not add a significant amount of marginal costs for the provision of options market data, and as such, costs associated with the provision of Equities Data Feeds became shared costs for the provision of Options Data Feeds. For example, the Exchange did not hire additional staff specifically to sell or otherwise manage options market data, rather, the existing team absorbed the additional workload. Nevertheless, as discussed more fully below, the Exchange has revised its cost analysis in this proposal by focusing solely on the marginal costs associated with the addition of providing the Options Data Feeds, and allocating those costs according to the same principles utilized in the 2024 Cost Analysis (the ''Options Market Data Cost Analysis''). Pursuant to the Options Market Data Analysis, the Exchange calculated the total marginal costs for providing the Options Data Feeds in 2024 at approximately $307,001. In order to establish fees that are designed to recover the marginal costs of providing the Options Data Feeds with a reasonable profit margin, the Exchange is proposing to modify its Fee Schedule, as described above. In addition to the Options Market Data Cost Analysis, described below, the Exchange believes that its proposed approach to market data fees is in line with that of its competitors.

Additional Discussion—Comparison With Other Exchanges

The proposed fee structure for the Options Data Feeds is not novel but is instead comparable to the fee structure currently in place for the options exchanges operated by MIAX, in particular, MIAX Pearl Options (''MIAX Pearl''),[11] and the options exchanges operated by Nasdaq, in particular, Nasdaq BX Options (''BX Options'').[12] The Exchange is proposing fees for its Options Data Feeds that are similar in structure to MIAX Pearl and BX Options and rates that are equal to, or lower than, than the rates data recipients pay for comparable data feeds from those exchanges, in a more simplified fashion.[13] The Exchange notes that other competitors maintain fees applicable to options market data that are considerably higher than those proposed by the Exchange, including Cboe BZX Options (''BZX Options''), NYSE Arca Options and NYSE American Options.[14] However, the

[8] The proposed definitions of Internal Distributor and External Distributor are the same definitions used in the Exchange's Equities Fee Schedule.

[9] *See* MEMX Rule 21.15(b)(2).

[10] *See* Securities Exchange Act Release No. 97130 (March 13, 2023), 88 FR 16491 (March 17, 2023) (SR–MEMX–2023–04).

[11] See MIAX Pearl Options Fee Schedule, available at: *https://www.miaxglobal.com/markets/us-options/pearl-options/fees* (the ''MIAX Pearl Fee Schedule'').

[12] See the Nasdaq BX Options Fee Schedule, available at: *https://listingcenter.nasdaq.com/rulebook/bx/rules/bx-options-7.*

[13] As noted below, based on its review of MIAX Pearl's Fee Schedule, the Exchange believes that MIAX Pearl charges separate fees for Internal and External Distribution of its options data feeds, and while its External Distribution fees are identical to the Exchange's proposed flat fee for all uses for both comparable products, its Internal Distribution Fees are slightly lower than what the Exchange is proposing for access to the Exchange's Options Data Feeds. Nevertheless, given that the Exchange allows both Internal and External Distribution for a single fee for a single data feed, the Exchange believes its proposed fees remain comparable and competitive with MIAX Pearl.

[14] Fees for BZX Options Depth, which is the comparable product to MEMOIR Options Depth, are $3,000 for internal distribution and $2,000 for external distribution compared to the Exchange's proposed fee of $1,500 for all uses. In addition, BZX Options charges professional user fees of $30 per month and non-professional user fees of $1.00 per month for each entity to which it distributes the feed (alternatively, it offers distributors an option to purchase a monthly Enterprise Fee of $3,500 to distribute to an unlimited number of users), which the Exchange is not proposing to charge. Fees for BZX Options Top, which is the comparable product to MEMOIR Options Top, are $3,000 for internal distribution, $2,000 for external distribution, with Professional User Fees of $5 per month, Non-Professional Fees of $0.10 per month per user, or an Enterprise Fee ranging anywhere from $20,000 to $60,000 per month depending on the number of users to which the distributer plans to distribute the feed. Again, the Exchange is not proposing any additional User Fees for MEMOIR Options Top, but rather, a flat fee of $750 for all uses. *See* the BZX Options Fee Schedule, available at: *https://www.cboe.com/us/options/membership/fee_schedule/bzx/.* Fees for NYSE Arca Options Deep and NYSE American Options Deep, which are the comparable products to MEMOIR Options Depth, are $3,000 for access (internal use) and $2,000 for redistribution (external distribution), and $5,000 for non-display use, compared to the Exchange's proposed fee of $1,500 for all uses. NYSE Arca Options and NYSE American Options also charge professional user fees of $50 per User, and Non-

Continued

Exchange has focused its comparison on MIAX Pearl and BX Options because their similar market data products are offered at prices lower than several other incumbent exchanges, which is a similar approach to that proposed by the Exchange.[15]

The fees for the MIAX Pearl Liquidity Feed—which like the MEMOIR Options Depth feed, includes top of book, depth of book, trades, and administrative messages—consist of an internal distributor access fee of $1,250 per month and an external distributor access fee of $1,500 per month. As such, the Exchange's proposed rate for all uses of $1,500 per month is equal to what MIAX Pearl charges for external distribution, and $250 higher than what it charges for internal distribution only.[16]

The fees for the MIAX Pearl Top of Market Feed—which is the comparable product to MEMOIR Options Top, consist of an internal distributor access fee of $500 per month and an external distributor access fee of $750. Again, the Exchange's proposed rate for all uses of $750 per month is identical to what MIAX Pearl charges for external distribution, and $250 higher than what it charges for internal distribution.

While the Exchange's proposed fee is slightly higher than what MIAX Pearl charges for internal distribution of its similar products, the Exchange believes that the simplicity of a single fee is preferable, specifically by reducing audit risk and simplifying reporting, both for the Exchange and its customers. Further, to the extent MIAX Pearl assesses both fees for both uses, it would cost more overall to receive and provide both internal and external distribution of MIAX Pearl's comparable options data feeds than it does to receive and provide both internal and external distribution of the Exchange's Options Data Feeds.

As an additional cost comparison, the fees for both Nasdaq BX Options Depth of Market Feed (''BX Depth'') and Top of Market Feed (''BX Top'') are $1,500 per month for internal distribution and $2,000 for external distribution, with an added $2,500 fee for a non-Display Enterprise License.[17] While one distributor fee allows access to both BX Top and BX Depth, (for example, $1,500 per month would allow a BX Options customer internal distribution of both BX Top and BX Depth) if a BX Options Customer wanted the same access provided under the Exchange's proposed fees, (*i.e.* for all uses) it would need to pay an additional $2,000 for external distribution and $2,500 per month for a non-display enterprise license fee. In addition, BX Options charges monthly per subscriber fees for professional or non-professional use[18] which the Exchange will not charge for its similar market data products.

Additional Discussion—Options Market Data Cost Analysis

In general, the Exchange believes that exchanges, in setting fees of all types, should meet very high standards of transparency to demonstrate why each new fee or fee increase meets the Exchange Act requirements that fees be reasonable, equitably allocated, not unfairly discriminatory, and not create an undue burden on competition among members and markets. In particular, the Exchange believes that each exchange should take extra care to be able to demonstrate that these fees are based on its costs and reasonable business needs. Accordingly, in proposing to charge fees for Options Data Feeds, the Exchange has sought to be especially diligent in assessing those fees in a transparent way against its own aggregate costs of providing the related service, and also carefully and transparently assessing the impact on Members—both generally and in relation to other Members, *i.e.,* to assure the fee will not create a financial burden on any participant and will not have an undue impact in particular on smaller Members and competition among Members in general. The Exchange does not believe it needs to otherwise address questions about market competition in the context of this filing because the proposed fees are so clearly consistent with the Act based on its Options Market Data Cost Analysis. The Exchange also believes that this level of diligence and transparency is called for by the requirements of Section 19(b)(1) under the Act,[19] and Rule 19b–4 thereunder,[20] with respect to the types of information self-regulatory organizations (''SROs'') should provide when filing fee changes, and Section 6(b) of the Act,[21] which requires, among other things, that exchange fees be reasonable and equitably allocated,[22] not designed to permit unfair discrimination,[23] and that they not impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[24] This rule change proposal addresses those requirements, and the analysis and data in this section are designed to clearly and comprehensively show how they are met.[25]

As noted above, MEMX recently conducted a study of its aggregate costs to produce the Exchange Data Feeds—the 2024 Cost Analysis, and it used the 2024 Cost Analysis as the foundation of the Options Market Data Cost Analysis, which ultimately went a step further in separately assessing the marginal costs associated with the provision of the Options Data Feeds as a subset of the total aggregate costs originally allocated towards the provision of the Exchange Data Feeds (*i.e.* both the Equities and Options Data Feeds) and allocating those marginal costs towards the provision of the Options Data Feeds.

Prior to discussing how the Exchange allocated applicable costs under the Options Market Data Cost Analysis, the Exchange believes it is first necessary to set forth its process in conducting the 2024 Cost Analysis. The 2024 Cost Analysis required a detailed analysis of MEMX's aggregate baseline costs, including a determination and allocation of costs for core services provided by the Exchange—transaction execution, market data, membership services and trading permits, regulatory services, physical connectivity, and application sessions (which provide order entry, cancellation and modification functionality, risk functionality, ability to receive drop copies, and other functionality). MEMX separately divided its costs between those costs necessary to deliver each of these core services, including

Professional User Fees of $1.00 per user, capped at $5,000 per month. Again, the Exchange does not require any counting of users and has instead proposed a flat fee of $1,500 for all uses. Fees for the NYSE Arca Options Top and NYSE American Options Top, which are the comparable products to MEMOIR Options Top are the same as above ($3,000 for internal, $2,000 for external and $5,000 for non-display, with the additional Professional and Non-Professional User Fees), compared to the Exchange's proposed fee of $750 for all uses. *See* NYSE Proprietary Market Data Pricing Guide, available at: *https://www.nyse.com/publicdocs/nyse/data/NYSE_Market_Data_Pricing.pdf.*

[15] *See supra* notes 11–12.

[16] *See* MIAX Pearl Options Fee Schedule, *supra* note 11.

[17] *See* Nasdaq BX Options Fee Schedule, *supra* note 12.

[18] *Id.*

[19] 15 U.S.C. 78s(b)(1).

[20] 17 CFR 240.19b–4.

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(4).

[23] 15 U.S.C. 78f(b)(5).

[24] 15 U.S.C. 78f(b)(8).

[25] In 2019, Commission staff published guidance suggesting the types of information that SROs may use to demonstrate that their fee filings comply with the standards of the Exchange Act (''Fee Guidance''). While MEMX understands that the Fee Guidance does not create new legal obligations on SROs, the Fee Guidance is consistent with MEMX's view about the type and level of transparency that exchanges should meet to demonstrate compliance with their existing obligations when they seek to charge new fees. *See* Staff Guidance on SRO Rule Filings Relating to Fees (May 21, 2019) available at *https://www.sec.gov/tm/staff-guidance-sro-rule-filings-fees.*

infrastructure, software, human resources (*i.e.,* personnel), and certain general and administrative expenses (''cost drivers''). Next, MEMX adopted an allocation methodology with various principles to guide how much of a particular cost should be allocated to each core service. For instance, fixed costs that are not driven by client activity (*e.g.,* message rates), such as data center costs, were allocated more heavily to the provision of physical connectivity (80%), with smaller allocations to logical ports (11%), and the remainder to the provision of transaction execution, regulatory services, and market data services (9%). The allocation methodology was decided through conversations with senior management familiar with each area of the Exchange's operations. After adopting this allocation methodology, the Exchange then applied an estimated allocation of each cost driver to each core service, resulting in the cost allocations described below.

By allocating segmented costs to each core service, MEMX was able to estimate by core service the potential margin it might earn based on different fee models. The Exchange notes that as a non-listing venue it has four primary sources of revenue that it can potentially use to fund its operations: transaction fees, fees for connectivity services, membership and regulatory fees, and market data fees. Accordingly, the Exchange generally must cover its expenses from these four primary sources of revenue.

Through the Exchange's extensive 2024 Cost Analysis, the Exchange analyzed every expense item in the Exchange's general expense ledger to determine whether each such expense relates to the provision of the Exchange Data Feeds, and, if such expense did so relate, what portion (or percentage) of such expense actually supports the provision of the Exchange Data Feeds, and thus bears a relationship that is, ''in nature and closeness,'' directly related to the Exchange Data Feeds. Based on its analysis, MEMX calculated its aggregate annual costs for providing the Exchange Data Feeds at $3,683,375.

The following chart details the individual line-item (annual) costs considered by MEMX to be related to offering the Exchange Data Feeds to its Members and other customers as well as a percentage of the Exchange's overall costs that such costs represent for such area (*e.g.,* as set forth below, the Exchange allocated approximately 8% of its overall Human Resources cost to offering Exchange Data Feeds).

Costs driver	Costs	% of all
Human Resources	$2,606,282	8
Data Center	69,340	2
Technology (Hardware, Software Licenses, etc.)	287,141	7
Depreciation	397,471	5
Allocated Shared Expenses	323,141	4
Total	3,683,375	5.8

Options Market Data Cost Analysis

As noted above, the 2024 Cost Analysis estimated aggregate annual costs for providing the Exchange Data Feeds at $3,683,375. Based on the limited number of additional resources specifically devoted to providing and administering the Options Data Feeds, the Exchange determined it was appropriate to conduct an allocation of only marginal costs related to the provision of the Options Data Feeds. In conducting this analysis, the Exchange adopted an allocation model for four of the five categories (all but Human Resources, as described more fully below) that was proportionally based upon the number of products sold in equities and options, and given the fact that the Exchange offers more data feeds and charges for Professional and Non-Professional User Fees in equities, the resulting allocation was 95.1% towards equities, and 4.9% towards options. The following chart details the individual line-item costs considered by MEMX to be related to offering the Options Data Feeds to its Members and other customers as a well as the percentage of the Exchange's overall Exchange Data Feed costs that such costs represent for such area (*e.g.,* as set for the below, the Exchange allocated approximately 9.8% of the Human Resources costs allocated to the provision of the Exchange Data Feeds to the Options Data Feeds, or $254,331 annually).[26]

Costs driver	Costs	% of market data total
Human Resources	$254,331	9.8
Data Center	3,391	4.9
Technology (Hardware, Software Licenses, etc.)	14,041	4.9
Depreciation	19,436	4.9
Allocated Shared Expenses	15,802	4.9
Total	307,001	.....

Human Resources

In allocating personnel (Human Resources) costs, in order to not double count any allocations, the Exchange first excluded any employee time allocated towards options regulation in order to recoup costs via the Options Regulatory Fee (''ORF''). [27] Of the remaining time left over, the Exchange considered the amount of employee time for employees whose functions include directly

[26] It follows that the remaining percentage of costs allocated to the Exchange Data Feeds in the 2024 Cost Analysis were allocated to the provision of the Equities Data feeds in the Options Market Data Cost Analysis. For example, the 2024 Cost Analysis allocated $2,606,282 of Human Resources costs to the provision of the Exchange Data feeds. In the Options Market Data Cost Analysis, the Exchange then allocated $254,331, or 9.8% of that total to the provision of Options Data Feeds, and thus the remaining $2,351,951 (or 90.2%) to the provision of the Equities Data Feeds.

[27] *See* Securities Exchange Act Release No. 99259 (January 2, 2024), 89 FR 965 (January 8, 2024) (SR–MEMX–2023–38).

providing services necessary to offer the Options Data Feeds, including performance thereof, as well as personnel with ancillary functions related to establishing and providing such services (such as information security and finance personnel). The Exchange notes that it has fewer than 100 employees and each department leader has direct knowledge of the time spent by each employee with respect to the various tasks necessary to operate the Exchange. The estimates of Human Resources cost were therefore determined by consulting with such department leaders, determining which employees are involved in tasks related to providing the Options Data Feeds, and confirming that the proposed allocation was reasonable based on an understanding of the percentage of their time such employees devote to tasks related to providing the Options Data Feeds. The Human Resources cost was calculated using a blended rate of compensation reflecting salary, equity and bonus compensation, benefits, payroll taxes, and 401(k) matching contributions. The results of that review found that of the original Human Resources cost originally allocated towards the provision of the Exchange Data Feeds, 9.8%, or $254,331, should be allocated towards the provision of Options Market Data.[28] The Exchange believes that this allocation is reasonable given the fact that the human effort required to provide and administer the Options Data Feeds is more significant compared to the remaining categories and thus warranted a higher allocation.

Data Center

Data Center costs includes an allocation of the costs the Exchange incurs to provide the Exchange Data Feeds in the third-party data centers where the Exchange maintains its equipment as well as related costs (the Exchange does not own the Primary Data Center or the Secondary Data Center, but instead, leases space in data centers operated by third parties). Based on the allocation model utilized in the Options Market Data Cost Analysis described above, the Exchange allocated $3,391 of its Data Center costs (*i.e.* 4.9% of the costs allocated towards the Exchange Data Feeds in the 2024 Cost Analysis) towards the provision of the Options Data Feeds.

Technology

The Technology category includes the Exchange's network infrastructure, other hardware, software, and software licenses used to operate and monitor physical assets necessary to provide the Exchange Data Feeds. Of note, certain of these costs were included in separate Network Infrastructure and Hardware and Software Licenses categories in the 2022 Cost Analysis; however, in order to align more closely with the Exchange's audited financial statements, these costs were combined into the broader Technology category. Based on the allocation model utilized in the Options Market Data Cost Analysis described above, the Exchange allocated approximately $14,041 of its Technology costs to the Options Data Feeds in 2024.

Depreciation

The vast majority of the software the Exchange uses with respect to its operations, including the software used to generate and disseminate the Options Data Feeds has been developed in-house and the cost of such development is depreciated over time. Accordingly, the Exchange included Depreciation costs related to depreciated software used to generate and disseminate the Options Data Feeds. The Exchange also included in the Depreciation costs certain budgeted improvements that the Exchange intends to capitalize and depreciate with respect to the Options Data Feeds in the near-term, as well as the servers used at the Exchange's primary and back-up data centers specifically used for the Options Data Feeds. Based on the allocation model utilized in the Options Market Data Cost Analysis described above, the Exchange allocated approximately $19,346 of its Depreciation costs towards the provision of the Options Data Feeds.

Allocated Shared Expenses

Finally, a limited portion of general shared expenses were allocated to the Options Data Feeds. The costs included in general shared expenses allocated to the Options Data Feeds include office space and office expenses (*e.g.,* occupancy and overhead expenses), utilities, recruiting and training, marketing and advertising costs, professional fees for legal, tax and accounting services (including external and internal audit expenses), and telecommunications costs. The cost of paying individuals to serve on the Exchange's Board of Directors or any committee was not allocated to providing Options Data Feeds. Based on the allocation model utilized in the Options Market Data Cost Analysis described above, the Exchange allocated $15,802 of its Allocated Shared Expenses to the Options Data Feeds in 2024.

Cost Analysis—Additional Discussion

Based on the current number of subscribers to the Options Data Feeds,[29] the Exchange anticipates annual 2024 revenue for Options Data Feeds of $342,000.[30] The proposed fees for the Options Data Feeds are designed to permit the Exchange to cover the marginal costs allocated to providing the Options Data Feeds with a profit margin that the Exchange believes is modest (approximately 10%),[31] which the Exchange believes is fair and reasonable after taking into account the costs related to creating, generating, and disseminating the Options Data Feeds and the fact that the Exchange will need to fund future expenditures (increased costs, improvements, etc.).

The Exchange like other exchanges is, after all, a for-profit business. Accordingly, while the Exchange believes in transparency around costs and potential margins, as well as periodic review of revenues and applicable costs (as discussed below), the Exchange does not believe that these estimates should form the sole basis of whether or not a proposed fee is reasonable or can be adopted. Instead, the Exchange believes that the information should be used solely to confirm that an Exchange is not earning supra-competitive profits, and the Exchange believes its Cost Analysis and related projections demonstrate this fact.

As a general matter, the Exchange believes that its costs will remain relatively similar in future years. It is possible however that such costs will either decrease or increase. To the extent the Exchange sees growth in use of Options Data Feeds it will receive additional revenue to offset future cost increases. However, if use of Options Data Feeds is static or decreases, the

[28] This allocation consists of 8% of the total Exchange Data Feeds Human Resources costs, which the Exchange's analysis found to be directly related to the provision of the Options Data Feeds, plus 5% of the remaining Market Data Human Resources costs that were not otherwise directed [sic] related to the provision of the Equities Data Feeds and thus allocated thereto.

[29] In the Initial and Second Filings, the Exchange's revenue projections anticipated a drop in subscriptions once the Exchange began charging for the Options Data Feeds, which did indeed occur. Specifically, of the nineteen (19) customers receiving the Options Data Feeds free of charge, four (4) requested removal once the Exchange began charging in April 2024.

[30] This revenue projection is based on 14 MEMX Options Depth and 10 MEMX Options Top subscriptions per month in 2024.

[31] The Exchange calculated this profit margin by dividing the annual projected profit of $34,999 by the annual projected revenue of $342,000 and multiplying by 100.

Exchange might not realize the revenue that it anticipates or needs in order to cover applicable costs. Accordingly, the Exchange is committing to conduct a one-year review after implementation of these fees. The Exchange expects that it may propose to adjust fees at that time, to increase fees in the event that revenues fail to cover costs with a reasonable profit margin.[32] Similarly, the Exchange expects that it would propose to decrease fees in the event that revenue materially exceeds current projections. In addition, the Exchange will periodically conduct a review to inform its decision making on whether a fee change is appropriate (*e.g.,* to monitor for costs increasing/decreasing or subscribers increasing/decreasing, etc. in ways that suggest the then-current fees are becoming dislocated from the prior cost-based analysis) and expects that it would propose to increase fees in the event that revenues fail to cover its costs and a reasonable margin, or decrease fees in the event that revenue or the profit margin materially exceeds current projections. In the event that the Exchange determines to propose a fee change, the results of a timely review, including an updated cost estimate, will be included in the rule filing proposing the fee change. More generally, the Exchange believes that it is appropriate for an exchange to refresh and update information about its relevant costs and revenues in seeking any future changes to fees, and the Exchange commits to do so.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b) [33] of the Act in general, and furthers the objectives of Section 6(b)(4) [34] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. Additionally, the Exchange believes that the proposed fees are consistent with the objectives of Section 6(b)(5) [35] of the Act in that they are designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to a free and open market and national market system, and, in general, to protect investors and the public interest, and, particularly, are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange notes prior to addressing the specific reasons the Exchange believes the proposed fees and fee structure are reasonable, equitably allocated and not unreasonably discriminatory, that the proposed definitions and fee structure described above are consistent with the definitions and fee structure used by most U.S. options exchanges, MIAX Pearl and BX Options in particular. As such, the Exchange believes it is adopting a model that is easily understood by Members and non-Members, most of which also subscribe to market data products from other exchanges. For this reason, the Exchange believes that the proposed definitions and fee structure described above are consistent with the Act generally, and Section 6(b)(5) [36] of the Act in particular.

One of the primary objectives of MEMX is to provide competition and to reduce fixed costs imposed upon the industry. Consistent with this objective, the Exchange believes that this proposal reflects a simple, competitive, reasonable, and equitable pricing structure, with fees that are discounted when compared to comparable data products and services offered by competitors.[37]

Reasonableness

Overall. With regard to reasonableness, the Exchange understands that the Commission has traditionally taken a market-based approach to examine whether the SRO making the fee proposal was subject to significant competitive forces in setting the terms of the proposal. The Exchange understands that in general the analysis considers whether the SRO has demonstrated in its filing that (i) there are reasonable substitutes for the product or service; (ii) ''platform'' competition constrains the ability to set the fee; and/or (iii) revenue and cost analysis shows the fee would not result in the SRO taking supra-competitive profits. If the SRO demonstrates that the fee is subject to significant competitive forces, the Exchange understands that in general the analysis will next consider whether there is any substantial countervailing basis to suggest the fee's terms fail to meet one or more standards under the Exchange Act. The Exchange further understands that if the filing fails to demonstrate that the fee is constrained by competitive forces, the SRO must provide a substantial basis, other than competition, to show that it is consistent with the Exchange Act, which may include production of relevant revenue and cost data pertaining to the product or service.

The Exchange has not determined its proposed overall market data fees based on assumptions about market competition, instead relying upon a cost-plus model to determine a reasonable fee structure that is informed by the Exchange's understanding of different uses of the products by different types of participants. In this context, the Exchange believes the proposed fees overall are fair and reasonable as a form of cost recovery plus the possibility of a reasonable return for the Exchange's marginal costs of offering the Options Data Feeds. The Exchange believes the proposed fees are reasonable because they are designed to generate annual revenue to recoup some or all of Exchange's annual marginal costs of providing market data in options with a reasonable profit margin. The Exchange also believes that performing the Options Market Data Cost Analysis utilizing the marginal costs related to the Options Data Feeds is reasonable because as a new entrant in the equity options space, the Exchange simply cannot charge more at this time based on what its competitors charge and what other options are available to market participants for the receipt of options market data. If the Exchange chose to allocate the average cost of providing market data to options and equities via a 50/50 split, then based on its proposed pricing and the revenues projected, the analysis would result in a profit margin for the Options Data Feeds of −265%.[38] Alternatively, the Exchange would need to significantly increase the fees charged for the Options Data Feeds, which in turn, the Exchange believes would result in customers canceling their access to such Options Data Feeds and potentially participating less on the Exchange. Accordingly, the Exchange believes it is reasonable to seek to

[32] The Exchange notes that it does not believe that a 10% profit margin is necessarily competitive, and instead that this is likely significantly below the mark-up many businesses place on their products and services.

[33] 15 U.S.C. 78f.

[34] 15 U.S.C. 78f(b)(4).

[35] 15 U.S.C. 78f(b)(5).

[36] 15 U.S.C. 78f(b)(5).

[37] *See supra* note 14.

[38] In calculating this margin, for all categories other than Human Resources, the Exchange split the applicable expenses 50/50 between the Equities Data Feeds and the Options Data Feeds. For Human Resources, the Exchange first allocated the 8% of the total Exchange Data Feeds Human Resources costs which were determined to be directly related to the provision of the Options Data Feeds (*i.e.* 8%, as noted above), plus 50% of the remaining Human Resources costs not otherwise directly related to the provision of the Equities Data Feeds and thus allocated thereto.

recover only the marginal costs associated with the Options Data Feeds in this proposal. As discussed in the Purpose section, the Exchange estimates that the Options Data Feed fees proposed herein will result in annual revenue of approximately $342,000, representing a profit margin of approximately 10% for the provision of Options Market Data. As such, the Exchange believes that this fee methodology is reasonable because it allows the Exchange to recoup some or all of its marginal expenses for providing options market data (with any additional revenue representing no more than what the Exchange believes to be a reasonable rate of return). The Exchange also believes that the proposed fees are reasonable because they are generally less than the fees charged by competing options exchanges for comparable market data products, notwithstanding that the competing exchanges may have different system architectures that may result in different cost structures for the provision of market data.

The Exchange believes the proposed fees for the Options Data Feeds are reasonable when compared to fees for comparable products, such as the MIAX Pearl Top of Market Feed, the MIAX Pearl Liquidity Feed, and the BX Options Top and Depth Feeds, compared to which the Exchange's proposed fees are equivalent or lower, as well as other comparable data feeds priced significantly higher than the Exchange's proposed fees for the Options Data Feeds.[39] Additionally, the Exchange's single flat fee for each of its Options Data Feeds, regardless of use type, offers a more simplistic approach to market data pricing. Specifically with respect to the MEMOIR Options Depth feed, the Exchange believes that the proposed fee for such feed is reasonable because it represents not only the value of the data available from the MEMOIR Options Top feed, which has a lower proposed fee, but also the value of receiving the depth-of-book data on an order-by-order basis. The Exchange believes it is reasonable to have pricing based, in part, upon the amount of information contained in each data feed, which may have additional value to market participants. The MEMOIR Options Top feed, as described above, can be utilized to trade on the Exchange but contains less information than that is available on the MEMOIR Options Depth feed. Thus, the Exchange believes it reasonable for the products to be priced as proposed, with MEMOIR Options Depth having a higher price than MEMOIR Options Top.

For all of the foregoing reasons, the Exchange believes that the proposed fees for the Options Data Feeds are reasonable.

Equitable Allocation

Overall. The Exchange believes that its proposed fees are reasonable, fair, and equitable, and not unfairly discriminatory because they are designed to align fees with services provided. The Exchange believes that the proposed fees are equitably allocated because they will apply uniformly to all data recipients that choose to subscribe to the Options Data Feeds. Any Firm that chooses to subscribe to one or both of the Options Data Feeds is subject to the same Fee Schedule, regardless of what type of business they operate, and the decision to subscribe to one or both of the Options Data Feeds is based on objective differences in usage of Options Data Feeds among different Firms, which are still ultimately in the control of any particular Firm. The Exchange believes the proposed pricing between Options Data Feeds is equitably allocated because it is based, in part, upon the amount of information contained in each data feed, which may have additional value to market participants. The MEMOIR Options Top feed, as described above, can be utilized to trade on the Exchange but contains less information than that is available on the MEMOIR Options Depth feed. Thus, the Exchange believes it is an equitable allocation of fees for the products to be priced as proposed, with MEMOIR Options Top having the lower price of the two Options Data Feeds.

For all of the foregoing reasons, the Exchange believes that the proposed fees for the Exchange Data Feeds are equitably allocated.

The Proposed Fees Are Not Unfairly Discriminatory

The Exchange believes the proposed fees for the Options Data Feeds are not unfairly discriminatory because any differences in the application of the fees are based on meaningful distinctions between the feeds themselves.

Overall. The Exchange believes that the proposed fees are not unfairly discriminatory because they would apply to all data recipients that choose to subscribe to the same Options Data Feed(s). Any Firm that chooses to subscribe to the Options Data Feeds is subject to the same Fee Schedule, regardless of what type of business they operate. Because the proposed fee for MEMOIR Options Depth is higher, Firms seeking lower cost options may instead choose to receive data through the MEMOIR Options Top feed for a lower cost. Alternatively, Firms can choose to receive data solely from the Options Price Reporting Authority (''OPRA'') for a lower cost. The Exchange notes that Firms can also choose to subscribe to a combination of data feeds for redundancy purposes or to use different feeds for different purposes. In sum, each Firm has the ability to choose the best business solution for itself. The Exchange does not believe it is unfairly discriminatory to base pricing upon the amount of information contained in each data feed, which may have additional value to a market participant. As described above, the MEMOIR Options Top feed can be utilized to trade on the Exchange but contains less information than that is available on the MEMOIR Options Depth feed. Thus, the Exchange believes it is not unfairly discriminatory for the products to be priced as proposed, with MEMOIR Options Top having a lower price than MEMOIR Options Depth.

For all of the foregoing reasons, the Exchange believes that the proposed fees for the Exchange Data Feeds are not unfairly discriminatory.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[40] the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intra-Market Competition

The Exchange does not believe that the proposed fees for Options Data Feeds place certain market participants at a relative disadvantage to other market participants because, as noted above, the proposed fees are associated with usage of Options Data Feeds by each market participant based on the type of business they operate, and the decision to subscribe to one or both Options Data Feeds is based on objective differences in usage of Options Data Feeds among different Firms, which are still ultimately in the control of any particular Firm, and such fees do not impose a barrier to entry to smaller participants. Accordingly, the proposed fees for Options Data Feeds do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the allocation of the proposed fees reflects the types of Options Data Feeds

[39] *Id.*

[40] 15 U.S.C. 78f(b)(8).

consumed by various market participants.

Inter-Market Competition

The Exchange does not believe the proposed fees place an undue burden on competition on other SROs that is not necessary or appropriate. In particular, market participants are not regulatorily required to subscribe to any of the Options Data Feeds, as described above. Additionally, other exchanges have similar market data fees in place for their participants, but with comparable and in many cases higher rates for options market data feeds.[41] The proposed fees are based on actual costs and are designed to enable the Exchange to recoup its applicable costs with the possibility of a reasonable profit on its investment as described in the Purpose and Statutory Basis sections. Competing options exchanges are free to adopt comparable fee structures subject to the SEC rule filing process.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[42] and Rule 19b–4(f)(2)[43] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number

SR–MEMX–2024–31 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–MEMX–2024–31. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–MEMX–2024–31 and should be submitted on or before September 17, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[44]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–19150 Filed 8–26–24; 8:45 am]

BILLING CODE 8011–01–P

[41] *See supra* note 14.

[42] 15 U.S.C. 78s(b)(3)(A)(ii).

[43] 17 CFR 240.19b–4(f)(2).

[44] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100791; File No. SR–NASDAQ–2024–029]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change Proposing To Modify the Application of Bid Price Compliance Periods

August 21, 2024.

On June 21, 2024, The Nasdaq Stock Market LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to modify the application of the bid price compliance periods where a company takes action that causes non-compliance with another listing requirement. The proposed rule change was published for comment in the **Federal Register** on July 9, 2024.[3]

Section 19(b)(2) of the Act[4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is August 23, 2024. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the comments received. Accordingly, pursuant to Section 19(b)(2) of the Act,[5] the Commission designates October 7, 2024 as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 100461 (July 3, 2024), 89 FR 56457 (''Notice''). Comments on the proposed rule change are available at: *https://www.sec.gov/comments/sr-nasdaq-2024-029/srnasdaq2024029.htm.*

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

disapprove, the proposed rule change (File No. SR–NASDAQ–2024–029).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–19152 Filed 8–26–24; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–349, OMB Control No. 3235–0395]

Submission for OMB Review; Comment Request; Extension: Rule 15g–6

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 previously approved collection of information provided for in Rule 15g–6—Account Statements for Penny Stock Customers—(17 CFR 240.15g–6) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 15g–6 requires brokers and dealers that sell penny stocks to provide their customers monthly account statements containing information with regard to the penny stocks held in customer accounts. 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 spend an average of approximately 78 hours annually to comply with this rule. Thus, the total compliance burden is approximately 13,260 burden-hours per year.

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 September 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: August 22, 2024.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–19234 Filed 8–26–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100799; File No. SR–CboeBZX–2024–077]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt New Market Data Reports

August 21, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 15, 2024, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') proposes to adopt new market data reports. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.22 (Data Products) to adopt the Cboe Timestamping Service, which is a market data service comprised of two distinct market data reports. The Cboe Timestamping Service will provide timestamp information for orders and cancels for market participants. More specifically, the Cboe Timestamping Service reports will provide various timestamps relating to the message lifecycle throughout the exchange system. The first report—the Missed Liquidity Report—will cover order messages and the second report—Cancels Report—will cover cancel messages. The proposed reports are optional products that will be available to all Members and Members may opt to choose both reports, one report, or neither report. Corresponding fees will be assessed based on the number of reports selected.[5]

The Exchange notes that the data included in the proposed reports will be based only on the data of the market participant that opts to subscribe to the reports (''Recipient Member'') and will not include information related to any Member other than the Recipient Member. The Exchange will restrict all other market participants from receiving another market participant's data. Additionally, neither report includes real-time market data. Rather, the reports will contain historical data from the prior trading day and will be

[6] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] The Exchange plans to submit a separate filing with the Commission pursuant to Section 19(b)(1) to propose fees for the Missed Liquidity Report and Cancels Report.

available after the end of the trading day, generally on a T+1 basis.

Currently, the Exchange provides real-time prices and analytics in the marketplace. The Exchange proposes to introduce the Missed Liquidity and Cancel Reports in response to Member demand for additional data concerning the timeliness of their incoming orders, cancel messages and executions against resting orders. Members have frequently requested from the Exchange's trading operations personnel information concerning the timeliness of their incoming orders, cancel messages and efficacy of their attempts to execute against resting liquidity on the Exchange's Book. The Exchange believes the additional data points outlined below may help Members gain a better understanding about their interactions with the Exchange. The Exchange believes these reports will provide Members with an opportunity to learn more about better opportunities to access liquidity and receive better execution rates and improve order cancel success. The proposed reports will also increase transparency and democratize information so that all Members that subscribe to either or both reports have access to the same information on an equal basis.

The proposed Missed Liquidity Report will provide time details for executions of orders that rest on the book where the Member receiving the report attempted to execute against that resting order within an Exchange-determined amount of time (not to exceed 1 millisecond) after receipt of the first attempt to execute against the resting order and within an Exchange-determined amount of time (not to exceed 100 microseconds) before receipt of the first attempt to execute against the resting order.[6] For example, if a Member sends in a marketable order, but an order resting on the Exchange order book was subsequently executed, the Missed Liquidity Report can assist the Member in determining by how much time that order missed an execution.[7]

The Cancels Report will provide liquidity response time details for orders that rest on the book where the Member receiving the report attempted to cancel that resting order or any other resting order within an Exchange-determined amount of time (not to exceed 1 millisecond) after receipt of the order that executed against the resting order and within an Exchange-determined amount of time (not to exceed 100 microseconds) before receipt of the order that executed against the resting order.[8] For example, if a market participant sends in a cancel message, but an order resting on the Exchange order book was executed prior to the system processing the cancel message, the Cancel report can assist the market participant in determining by how much time that order missed being canceled instead of executing.[9]

Both the Missed Liquidity Report and Cancels Report will include the following data elements for orders [10] and cancel messages,[11] respectively: (1) Recipient Member Firm ID; (2) Symbol; (3) Execution ID; [12] (3) Exchange System Timestamps for orders and cancels; [13] (4) Matching Unit number; [14] (5) Queued; [15] (6) Port Type; [16] and (7) Aggressor Order Type.[17] No specific information about resting orders on the Exchange book will be provided.

Market participants generally would use liquidity accessing orders if there is a high probability that it will execute an order resting on the Exchange order book. As noted above, the Missed Liquidity Report helps subscribing market participants to better understand by how much time they missed executing against certain resting orders. The Exchange therefore believes this report will provide greater visibility into what was missed in trading so market participants can better determine whether they want to invest in the technology to mitigate the misses. It may also allow for them to optimize their models and trading patterns to yield better execution results. Similarly, the Cancels Report will provide information that helps subscribing market participants determine how best to improve success rates with respect to canceling their orders, which reduces exposure and manages risk.

The Exchange notes the data information contained within the proposed Missed Opportunities Report and Cancels Report are similar to data provided in reports that currently are, or historically have been, offered by other exchanges.[18]

Implementation

The Exchange will announce via Exchange Notice the implementation date of the proposed rule change, which shall occur no later than 60 days after the operative date of this rule filing.

[6] The Exchange will announce the Exchange-determined timeframes with reasonable advance notice via Exchange Notice.

[7] For example, Participant A submits an order that is posted to the Exchange's Book. Participant B at some point thereafter enters a marketable order to execute against Participant A's resting order. Within 500 microseconds of Participant B's submission, Participant C, also sends a marketable order to execute against Participant A's resting order. Because Participant B's order is received by the Exchange before Participant C's order, Participant B's order executes against Participant A's resting order. The proposed Report would provide Participant C (the Recipient Member of the report) the data points necessary for that firm to calculate by how much time they missed executing against Participant A's resting order.

[8] The Exchange will announce the Exchange-determined timeframes with reasonable advance notice via Exchange Notice.

[9] For example, Participant A submits an order that is posted to the Exchange's Book and Participant B at some point thereafter submits a marketable order to execute against Participant A's resting order. Within 500 microseconds of submission of Participant B's order, Participant A sends a cancel message to cancel its resting order. Because Participant B's order is processed at the Matching Engine by the Exchange before Participant A's cancel message, Participant B's order executes against Participant A's resting order. The proposed Report would provide Participant A the data points necessary for that firm to calculate by how much time they missed canceling its resting order.

[10] The Missed Liquidity Report will only include trade events which are triggered by an order that removed liquidity on entry and will exclude trade events resulting from: elected stop orders, orders routed and executed at away venues, and peg order movements, and auctions.

[11] Includes individual order cancellations, mass cancels, and purge orders messages that are sent via Financial Information Exchange (''FIX'') protocol or Binary Order Entry (BOE) protocol by a subscriber.

[12] The Execution ID is a unique reference number assigned by the Exchange for each trade.

[13] Includes Network Discovery Time (which is a network hardware switch timestamp taken at the network capture point); Order Handler NIC Timestamp (which is a hardware timestamp that represents when a BOE order handler server NIC observed the message); Order Handler Received Timestamp (which is software timestamp that represents when the FIX or BOE order handler has begun processing the order after the socket read); Order Handler Send Timestamp (which represents when the FIX or BOE order handler has finished processing the order and begun sending to the matching engine); Matching Engine NIC Timestamp (which is a hardware timestamp that represents when the target matching engine server NIC observed the message); and Matching Engine Transaction Timestamp (which is a software timestamp that represents when the matching engine has started processing an event).

[14] Represents the matching unit number.

[15] Flag to indicate whether a message was delayed due to message in flight limits (*i.e.,* a limit on the total number of messages in flight between an order handler and a matching engine).

[16] Refers to the port type used by the session to send the applicable message.

[17] Indicates whether the order type of the response order that executed against the resting order was a new order or modify message.

[18] The proposed Report is based on a similar report previously provided by the NASDAQ Stock Market LLC (''NASDAQ'') for equity securities called the Missed Opportunity—Latency report as part of its NASDAQ Trader Insights offering. *See* Securities Exchange Act Release No. 78886 (September 20, 2016), 81 FR 66113 (September 26, 2016) (SR–NASDAQ–2016–101) (Order Granting Approval of Proposed Rule Change, as Modified by Amendment Nos. 1 and 2, To Add NASDAQ Rule 7046 (Nasdaq Trading Insights)) (''NASDAQ Approval Order''). The report is also similar to a report currently provided by MIAX Emerald, LLC (''MIAX Emerald'') and its affiliates, called the Liquidity Taker Event Report. *See e.g.,* MIAX Emerald Rule 531. *See also* Securities Exchange Act Release No. 91356 (March 18, 2021), 86 FR 15759 (March 24, 2021) (SR–EMERALD–2021–09).

2. Statutory Basis

The Exchange believes that the proposed Cboe One Options Feed [sic] is consistent with Section 6(b) of the Act,[19] in general, and furthers the objectives of Section 6(b)(5) of the Act,[20] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest, and that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes this proposal is consistent with Section 6(b)(5) of the Act because it protects investors and the public interest and promotes just and equitable principles of trade by providing investors with new options for receiving market data as requested by market participants and Section 6(b)(8) of the Act, which requires that the rules of an exchange not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.[21] This proposal is in keeping with those principles in that it promotes increased transparency through the dissemination of the optional Missed Liquidity and Cancels Report to those interested in paying to receive either or both of these reports.

The Exchange also believes this proposal is consistent with Section 6(b)(5) of the Act because it protects investors and the public interest and promotes just and equitable principles of trade by providing investors with new options for receiving market data as requested by potential purchasers. The proposed rule change would benefit investors by facilitating their prompt access to the value-added information that is included in the proposed reports. The reports will allow Members to access information regarding their trading activity that they may utilize to evaluate their own trading behavior and order interactions. It also promotes just and equitable principles of trade because it would provide latency information in a systematized way and standardized format to any Member that chooses to subscribe to the proposed reports. As discussed, the proposed reports are also not real-time market data products, but rather provide only historical trading data for the previous trading day, generally on a T+1 basis. In addition, the data in the reports regarding incoming orders that failed to execute or incoming cancels that failed to cancel would be specific to the Recipient Member's messages. As noted above, no specific information about the resting orders on the Exchange book will be provided and any information relating to another Member would be anonymized.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (''SROs'') and broker dealers increased authority and flexibility to offer new and unique market data to consumers of such data. It was believed that this authority would expand the amount of data available to users and consumers of such data and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed reports are the sort of market data product that the Commission envisioned when it adopted Regulation NMS.

The Commission concluded that Regulation NMS—by deregulating the market in proprietary data—would itself further the Act's goals of facilitating efficiency and competition:

''[E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data.'' [22]

By removing ''unnecessary regulatory restrictions'' on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history. This proposed Cboe Timestamping Service (*i.e.,* the Missed Liquidity and Cancels Reports) provides investors with new options for receiving market data, which was a primary goal of the market data amendments adopted by Regulation NMS.[23]

The proposed reports are designed for Members that are interested in gaining insight into latency in connection with their respective (1) orders that failed to execute against an order resting on the Exchange order book and/or (2) cancel messages that failed to cancel resting orders. The Exchange believes that providing this optional data to interested market participants for a fee is consistent with facilitating transactions in securities, removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest because it provides additional information and insight to subscribing market participants regarding their trading activity on the Exchange. More specifically, the proposed reports provide greater visibility into exactly what was missed in trading so market participants may optimize their models and trading patterns to yield better execution results by identifying by how much time an order that may have been marketable missed executing and by how much time a cancel message missed canceling.

As mentioned above, other exchanges currently offer, or have previously offered, similar trading related reports that have been reviewed and approved by the Commission.[24] For example, MIAX Emerald currently offers the Liquidity Taker Event Report and Nasdaq historically provided the Missed Opportunity—Latency report as part of its NASDAQ Trader Insights offering.[25] MIAX Emerald's Liquidity Taker Event Report and Nasdaq's prior Missed Opportunity—Latency report, like the proposed Missed Liquidity Report, identify by how much time an order missed executing against a resting order. Also, like the MIAX Emerald and Nasdaq's analogous reports, the Exchange's proposed reports are provided on a T+1 basis and include data specific to one Member, and only that Member would receive the report. The proposed reports, like the reports of MIAX Emerald and Nasdaq, restrict all other market participants, including the Recipient Member, from receiving another market participant's data. In addition, the proposed reports, like the MIAX Emerald and Nasdaq reports, are each intended to provide the Recipient Member with the time duration by which the order entered by the Recipient Member missed an execution or similarly, missed canceling an order before it could execute.[26] The proposed

[19] 15 U.S.C. 78f.

[20] 15 U.S.C. 78f(b)(5).

[21] 15 U.S.C. 78f(b)(8).

[22] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005) (''Regulation NMS Adopting Release'').

[23] *See* Regulation NMS Adopting Release, *supra,* at 37503.

[24] *Supra* Note 18.

[25] The Exchange notes that like Nasdaq's Missed Opportunity—Latency report, the proposed reports cover equity securities, whereas the MIAX Emerald Liquidity Taker Event Report covers options trading. The Exchange believes this difference is of no consequence as each of these reports are intended to serve the same purpose—providing firms with an opportunity to learn more about when they may have better opportunities to access liquidity and to receive better execution rates or cancel success.

[26] Although not clearly defined, the Exchange believes that MIAX Emerald's Liquidity Taker Event

reports, along with the MIAX Emerald Liquidity Taker Event Report and/or Nasdaq Missed Opportunities—Latency reports, each include the following information:

- Recipient Member identifier
- Symbol
- Execution ID
- Order reference number (unique reference number assigned to a new order at the time of receipt)
- Exchange System Timestamps for incoming orders and cancels, including timestamps to determine the time difference between the time the first response that executes against the resting order was received by the Exchange and the time of each response sent by the Recipient Member, regardless of whether it executed or not
- The order type of the response that executes against the resting order The proposed reports include the following information that are/were not included in either the MIAX Emerald Liquidity Taker Event Report and/or Nasdaq Missed Opportunities—Latency Report:
- Matching Unit Number. This information is specific to the Exchange's matching unit architecture
- Queued. This information indicates whether or not a message was delayed due to message in flight limits, which limits are specific to the Exchange only
- The port type

Lastly, the proposed reports do not include the following information that is/was included in both the MIAX Emerald Liquidity Taker Event Report and Nasdaq Missed Opportunities—Latency Report:

- Side (buy or sell). This information is already available via OPRA or the Exchange's proprietary data feeds
- Displayed price and size. This information is already available via OPRA or the Exchange's proprietary data feeds
- The time a resting order was received by the Exchange. The Exchange does not believe information relating to the time a resting order was received is as relevant as the above-described data that will be included nor is it necessary with respect to the goal of the proposed reports which is to better understand by how much time a particular order missed executing against an order resting on the Book or a cancel message missed canceling against an order resting on the Book.

As illustrated above, the proposed reports are substantially similar to the MIAX Emerald Liquidity Taker Event Report and Nasdaq's former Missed Opportunities—Latency Report and includes a number of the same data elements designed to assist Members in better understanding their trading activity on the Exchange and augment their trading strategies to improve their execution opportunities.

In approving Nasdaq's Missed Opportunity—Latency report, the Commission noted that the report ''would increase transparency, particularly for Members who may not have the expertise to generate the same information.'' [27] The Exchange's proposed reports would achieve the same goal for Members seeking to better understand the efficacy of their incoming orders and cancel messages. Further, the proposed reports promote just and equitable principles of trade because it will increase transparency and democratize information so that all firms may elect to subscribe to either, or both, reports even though some firms may not have the appropriate resources to generate a similar report themselves.

The Exchange proposes to provide the reports on a voluntary basis and no Member will be required to subscribe to either report. The Exchange notes that there is no rule or regulation that requires the Exchange to produce, or that a Member elect to receive, either report. It is entirely a business decision of each Member to subscribe to one, both, or neither report. The Exchange proposes to offer the reports as a convenience to Members to provide them with additional information regarding trading activity on the Exchange on a delayed basis after the close of regular trading hours. A Member that chooses to subscribe to the reports may discontinue receiving either report at any time if that Member determines that the information contained in the Report is no longer useful.

In summary, the proposed reports will help to protect a free and open market by providing additional historical data (offered on an optional basis) to the marketplace and by providing investors with greater choices. Additionally, the proposal would not permit unfair discrimination because the proposed reports will be available to all Exchange Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that the proposed Report will enhance competition by providing a new option for receiving market data to Members. The proposed Report will also further enhance competition between exchanges by allowing the Exchange to expand its product offerings to include reports similar to a report that is currently offered by other exchanges.[28]

Additionally, the Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Market participants are not required to purchase either proposed report, and the Exchange is not required to make either report available to investors. Rather, the Exchange is voluntarily making these reports available, as requested by Members, and Members may choose to receive (and pay for) this data based on their own business needs. Potential purchasers may request the data at any time if they believe it to be valuable or may decline to purchase such data.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. significantly affect the protection of investors or the public interest;

Report also provides information relating to cancel messages. Particularly, MIAX Emerald Liquidity Taker Event Report provides, among other things, data relating to the ''type of each response submitted by the Recipient Member.'' *See* MIAX Emerald Rule 5.31(a)(iii)(C). MIAX Emerald's technical specifications outline the various types of available liquidity messages including, Simple Mass Quote Cancel Request and Mass Liquidity Cancel Request *See* MIAX Express Interface for Quoting and Trading Options, MEI Interface Specification, Section 4.1 (Liquidity Messages), available at: MIAX_Express_Interface_MEI_v2.2a.pdf (*miaxglobal.com*). The Exchange also believes that providing the same data points for cancel messages as the data provided for orders messages is of no materials consequence as the Cancels Report is intended to serve a similar purpose as the proposed Missed Liquidity Report—providing Members additional information to better understand the efficacy of their incoming orders and cancel messages.

[27] *See* Securities Exchange Act Release No. 78886 (September 20, 2016), 81 FR 66113 (September 26, 2016) (SR–NASDAQ–2016–101) (Order Granting Approval of Proposed Rule Change, as Modified by Amendment Nos. 1 and 2, To Add NASDAQ Rule 7046 (Nasdaq Trading Insights)) (''NASDAQ Approval Order'').

[28] *See e.g.,* MIAX Emerald Rule 531.

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[29] and Rule 19b–4(f)(6)[30] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeBZX–2024–077 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeBZX–2024–077. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeBZX–2024–077 and should be submitted on or before September 17, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–19158 Filed 8–26–24; 8:45 am]

BILLING CODE 8011–01–P

[29] 15 U.S.C. 78s(b)(3)(A).

[30] 17 CFR 240.19b–4(f)(6).

[31] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100790; File No. SR–NYSE–2024–35]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend Section 302.00 of the NYSE Listed Company Manual To Exempt Closed-End Funds Registered Under the Investment Company Act of 1940 From the Requirement To Hold Annual Shareholder Meetings

August 21, 2024.

On June 21, 2024, The New York Stock Exchange LLC (''NYSE'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Section 302.00 of the NYSE Listed Company Manual exempt closed-end funds registered under the Investment Company Act of 1940 from the requirement to hold annual shareholder meetings. The proposed rule change was published for comment in the **Federal Register** on July 9, 2024.[3]

Section 19(b)(2) of the Act[4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is August 23, 2024. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the comments received. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates October 7, 2024, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSE–2024–35).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–19157 Filed 8–26–24; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 100460 (Jul. 3, 2024), 89 FR 56447. Comments on the proposed rule change are available at: *https://www.sec.gov/comments/sr-nyse-2024-35/srnyse202435.htm.*

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100792; File No. SR–BX–2024–028]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Introduce BX Options Trade Outline

August 21, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 9, 2024, Nasdaq BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

(''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as constituting a ''non-controversial'' rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to introduce BX Options Trade Outline.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to introduce BX Options Trade Outline.[5] Patterned after PHLX Options Trade Outline ''PHOTO,'' [6] BX Trade Options Outline will replicate in substance [7] PHOTO and the other trade outline products currently offered by Nasdaq ISE, LLC (''ISE''),[8] Nasdaq GEMX, LLC (''GEMX''),[9] and the options market operated by the Nasdaq Stock Market LLC (''Nasdaq Options Market'' or ''NOM'').[10] It is also similar to trade outline products offered by exchanges not affiliated with Nasdaq.[11]

Information will be provided on an End of Day, Intra-Day, and historical basis.

BX Options Trade Outline, like all of these other trade outline products, provides data to help market participants understand market sentiment on the Exchange and to support the creation of trading models useful in both options and equities markets. Market participants have expressed an interest in purchasing a trade outline product from the Exchange similar to those products already sold on the PHLX and other Nasdaq affiliates. BX Options Trade Outline is being introduced to meet that demand, and to offer investors an additional perspective on investor sentiment.

BX Options Trade Outline

BX Options Trade Outline will provide aggregate quantity and volume information for trades on the Exchange for all series [12] during a trading session. Information is provided in the following categories: (i) total exchange volume for Intra-Day information and total exchange and industry volume for End of Day information for each reported series; (ii) open interest for the series; (iii) aggregate quantity of trades and aggregate trade volume effected to open a position,[13] characterized by origin type (Customers,[14] Broker-Dealers,[15] BX Options Market Makers,[16] Firms,[17] and Professionals [18]); and (iv) aggregate quantity of trades and aggregate trade volume effected to close a position,[19] characterized by origin type (Customers, Broker-Dealers, BX Options Market Makers, Firms, and Professionals).[20]

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[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] A proposal to introduce MRX Options Trade Outline on the MRX Exchange is being submitted concurrently with this filing.

[6] *See* PHLX Rules, Options 7, Section 10; Securities Exchange Act Release No. 62887 (September 10, 2010), 75 FR 57092 (September 17, 2010) (SR–Phlx–2010–121) (introducing PHOTO on September 1, 2010).

[7] The underlying information for BX Options Trade Outline will be the same as the other trade outline products offered by the Nasdaq exchanges. Presentation will differ, however, in that data will not be subdivided into categories. For example, the trade outline products offered by PHLX, ISE, GEMX and NOM subdivide the aggregate volume traded for each reported series into categories according to the quantity of contracts (less than 100, 100–199, and greater than 200). BX Options Trade Outline will not separate this information into quantitative categories, but rather will provide the same aggregate volume information as PHOTO and the other Nasdaq exchanges without separating the information into categories according to the quantity of contracts.

[8] *See* Nasdaq ISE Rules, Options 7, Section 10(A) and (B) (Nasdaq ISE Open/Close Trade Profile End of Day; Nasdaq ISE Open/Close Trade Profile Intraday).

[9] *See* Nasdaq GEMX Rules, Options 7, Sections 7(D) (Nasdaq GEMX Open/Close End of Day Trade Profile) and 7(E) (Nasdaq GEMX Open/Close Intraday Trade Profile).

[10] *See* Nasdaq Rules, Options 7, Section 4 (Nasdaq Options Trade Outline (''NOTO'')).

[11] *See, e.g.,* Securities Exchange Act Release No. 94913 (May 13, 2022), 87 FR 30534 (May 19, 2022) (SR–Cboe–2022–023) (describing End-of-Day and Intraday Open-Close Data as a summary of trading activity on the exchange at the option level by origin, side of the market, price and transaction type); Securities Exchange Act Release No. 93803 (December 16, 2021, 86 FR 72647 (December 22, 2021) (SR–NYSEAMER–2021–46) (describing the NYSE Options Open-Close Volume Summary as a volume summary of trading activity on the exchange at the option level by origin, side of the market, contract volume and transaction type); Securities Exchange Act Release No. 93132 (September 27, 2021), 86 FR 54499 (October 1, 2021) (SR–NYSEArca–2021–82) (describing the NYSE Options Open-Close Volume Summary as a volume summary of trading activity on the exchange at the option level by origin, side of the market, contract volume and transaction type); Securities Exchange Act Release No. 97174 (March 21, 2023), 88 FR 18201 (March 27, 2023) (SR–BOX–2023–09) (describing the BOX exchange Open-Close Data report as providing volume by origin, buying/selling, and opening/closing criteria); Securities Exchange Act Release No. 91964 (May 21, 2021), 86 FR 28667 (May 27, 2021) (SR–PEARL–2021–24) (introducing the Open-Close Report).

[12] Every options series trades as a distinct symbol; the terms ''series'' and ''symbol'' are therefore synonyms.

[13] This would include the aggregate number of ''opening purchase transactions,'' defined as a BX Options Transaction that creates or increases a long position in an options contract, *see* Options 1, Section 1(a)(35), and the aggregate number of ''opening writing transactions,'' defined as a BX Options Transaction that creates or increases a short position in an options contract. *See* Options 1, Section 1(a)(36).

[14] The term ''Customer'' applies to any transaction that is identified by a Participant for clearing in the Customer range at The Options Clearing Corporation (''OCC'') which is not for the account of broker or dealer or for the account of a ''Professional'' (as that term is defined in Options 1, Section 1(a)(48)). *See* Options 7, Section 1(a).

[15] The term ''Broker-Dealer'' applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category. *See* Options 7, Section 1(a).

[16] The term ''BX Options Market Maker'' is a Participant that has registered as a Market Maker on BX Options pursuant to Options 2, Section 1, and must also remain in good standing pursuant to Options 2, Section 9. In order to receive Market Maker pricing in all securities, the Participant must be registered as a BX Options Market Maker in at least one security. *See* Options 7, Section 1(a).

[17] The term ''Firm'' applies to any transaction that is identified by a Participant for clearing in the Firm range at OCC. *See* Options 7, Section 1(a).

[18] The term ''Professional'' means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s) pursuant to Options 1, Section 1(a)(48). All Professional orders shall be appropriately marked by Participants. *See* Options 7, Section 1(a).

[19] This would include the aggregate number of ''closing purchase transactions'' in the affected series, defined as a BX Options Transaction that reduces or eliminates a short position in an options contract, *see* Options 1, Section 1(a)(19), and the aggregate number of ''closing writing transactions,'' defined as a BX Options Transaction that reduces or eliminates a long position in an options contract. *See* Options 1, Section 1(a)(20).

[20] These are the same types of information available on PHOTO, and the other trade outline products offered by Nasdaq exchanges.

BX Trade Outline End of Day will also provide opening buy, closing buy, opening sell and closing sell information, which shall include option first trade price, option high trade price, option low trade price, and option last trade price.

End of Day information will be available the next business day. Intra-Day information is updated at 10-minute intervals over the course of the trading day. Historical information will be available upon request.

This information will be available to all market participants, including both members and non-members, for all series and symbols in End of Day, Intra-Day, and historical files (upon request).

BX Options Trade Outline will provide proprietary Exchange trading data and will not include any intraday trading data from any other exchange.[21] The information provided, both in End of Day and Intraday formats, is not a real-time data feed. BX Options Trade Outline is a completely voluntary product in that the Exchange is not required by any rule or regulation to make this data available and potential subscribers may purchase it only if they voluntarily choose to do so.

The End of Day file will be updated during an overnight process with additional fields [22] and will be available the following morning, providing aggregate data for the entire trading session.

Intra-Day information will be released in scheduled ''snapshots'' available every 10 minutes for all options series over the course of the trading day. The snapshot will be updated to reflect whatever activity occurred, or to indicate that no activity occurred.[23] This is the same schedule currently offered on PHLX, ISE, GEMX, and Nasdaq Options Market.[24]

Historical data will be available in both End of Day and Intra-Day formats for all option series traded for every calendar month after December 2014, based on specific request.[25]

Fees for BX Options Trade Outline will be proposed in a separate filing.

The proposed date of implementation, subject to the regulatory process, will be September 2, 2024.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[26] in general, and furthers the objectives of Section 6(b)(5) of the Act,[27] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general to protect investors and the public interest.

The Exchange believes that BX Options Trade Outline would further broaden the availability of U.S. option market data to investors. The proposal promotes transparency through the dissemination of aggregate quantity and volume information for trades on the Exchange for all series during a trading session, and would benefit investors by promoting better informed trading throughout the trading day and at the end of the day. The proposed product is well-understood in the market, and provides the same information as ISE, GEMX, NOM, and substantially the same information as many exchanges not affiliated with Nasdaq.

The Exchange believes that BX Options Trade Outline would further broaden the availability of U.S. option market data to investors consistent with the principles of the Act. The proposed rule change would promote better informed trading by, for example, disseminating information that may indicate investor sentiment. Data recipients may also be able to enhance their ability to analyze option trade and volume data on an intraday basis, and create and test trading models and analytical strategies. BX Options Trade Outline will provide a valuable tool that subscribers can use to gain comprehensive insight into the trading activity in particular series.[28]

Trade outline products have been available on multiple exchanges for many years and are well known in the market and used by many market participants. PHLX Options Trade Outline, which is a model for BX Options Trade Outline, has been available for well over a decade.[29] Similar products available on other Nasdaq exchanges include ISE Trade Profile,[30] GEMX Trade Profile,[31] and Nasdaq Options Trade Outline.[32] Trade outline products are also offered by competitor exchanges such a Cboe,[33] NYSE American,[34] NYSE Arca,[35] BOX,[36] and MIAX PEARL.[37] The trade outline products offered by the Nasdaq-affiliated exchanges provide exactly the same information as the proposed BX Options Trade outline, and those offered by other exchanges provide substantially the same information, including both Intra-Day and End of Day data.

BX Options Trade Outline will foster investor protection by expanding the amount of information available to investors. Adding information from another exchange to the current mix of trade outline products will help investors become better informed about market sentiment and therefore better able to protect their interests.

Approval of this proposal will expand customer choice. Trade outline products can serve as substitutes or complements, depending on the information needs of

[21] The End of Day report includes a field that presents Total Industry Volume for the Series.

[22] The additional fields are: First Trade Price, High Trade Price, Low Trade Price, Last Trade Price, Underlying Close, Moneyness, Total Exchange volume, Total Industry Volume for the Series, and Open Interest.

[23] Subscribers will receive the first snapshot at 9:42 a.m. ET, representing data captured from 9:30 a.m. to 9:40 a.m., and the second calculation at 9:52 a.m., representing data from both the most recent snapshot and previous snapshots, and continuing over the course of the trading day. The final Intra-Day snapshot will be distributed at 4:15 p.m.

[24] *See Supra,* notes 4 through 7.

[25] Market participants generally use historical files for model testing and research, and the period of time required by a particular market participant will depend on its unique testing and research needs as well as whether it is using End of Day or Intra-Day information. Some customers, for example, may request years of data, while others only months, or even a single month. The same principle applies to End of Day vs. Intra-Day information.

[26] 15 U.S.C. 78f(b).

[27] 15 U.S.C. 78f(b)(5).

[28] While such information is valuable, it is not necessary for trading.

[29] *See* Securities Exchange Act Release No. 62887 (September 10, 2010), 75 FR 57092 (September 17, 2010) (SR–Phlx–2010–121) (introducing PHOTO on September 1, 2010).

[30] *See* Nasdaq ISE Rules, Options 7, Section 10(A) and (B) (Nasdaq ISE Open/Close Trade Profile End of Day; Nasdaq ISE Open/Close Trade Profile Intraday).

[31] *See* Nasdaq GEMX Rules, Options 7, Sections 7(D) (Nasdaq GEMX Open/Close End of Day Trade Profile) and 7(E) (Nasdaq GEMX Open/Close Intraday Trade Profile).

[32] *See* Nasdaq Rules, Options 7, Section 4 (Nasdaq Options Trade Outline (''NOTO'')).

[33] *See, e.g.,* Securities Exchange Act Release No. 94913 (May 13, 2022), 87 FR 30534 (May 19, 2022) (SR–Cboe–2022–023) (describing End-of-Day and Intraday Open-Close Data as a summary of trading activity on the exchange at the option level by origin, side of the market, price and transaction type).

[34] *See, e.g.,* Securities Exchange Act Release No. 93803 (December 16, 2021, 86 FR 72647 (December 22, 2021) (SR–NYSEAMER–2021–46) (describing the NYSE Options Open-Close Volume Summary as a volume summary of trading activity on the exchange at the option level by origin, side of the market, contract volume and transaction type).

[35] *See, e.g.,* Securities Exchange Act Release No. 93132 (September 27, 2021), 86 FR 54499 (October 1, 2021) (SR–NYSEArca–2021–82) (describing the NYSE Options Open-Close Volume Summary as a volume summary of trading activity on the exchange at the option level by origin, side of the market, contract volume and transaction type).

[36] *See, e.g.,* Securities Exchange Act Release No. 97174 (March 21, 2023), 88 FR 18201 (March 27, 2023) (SR–BOX–2023–09) (describing the BOX exchange Open-Close Data report as providing volume by origin, buying/selling, and opening/closing criteria).

[37] *See, e.g.,* Securities Exchange Act Release No. 91964 (May 21, 2021), 86 FR 28667 (May 27, 2021) (SR–PEARL–2021–24) (introducing the Open-Close Report).

the market participant. In general, the value of a trade outline product depends on trading volume on a particular exchange; the higher the volume of transactions on an exchange, the more valuable the information on market sentiment. Customers can choose to purchase multiple trade outline products, or to substitute the product of one exchange for another, based on their particular trading strategy and information needs. Adding a new exchange to the product mix will expand the number of options available to market participants, and will foster competition among the exchanges offering these products. As noted above, this proposal is a direct response to customer demand.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Nothing in the proposal burdens inter-market competition (the competition among self-regulatory organizations) because this proposal does not impose any burden on the ability of other exchanges to compete. As explained above, many exchanges not affiliated with Nasdaq currently offer competing products and the introduction of BX Options Trade Outline will assist the Exchange in competing with those other exchanges.

Nothing in the proposal burdens intra-market competition (the competition among consumers of exchange data) because BX Options Trade Outline will be available to any market participant, including both members and non-members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act[38] and Rule 19b–4(f)(6)[39] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[40] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[41] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative upon filing. The Exchange states that waiver of the operative delay does not present market participants with any new or novel issues, as the proposed product is well-understood in the market, and provides the same information as trade outline products offered by PHLX, ISE, GEMX, and NOM,[42] and substantially the same information as many exchanges not affiliated with Nasdaq.[43] The Exchange also states that the proposed trade outline product will promote better informed trading throughout the trading day and at the end of the day by disseminating information that may indicate investor sentiment, and which may allow data recipients to create and test trading models and analytic strategies. For these reasons, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[44]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–BX–2024–028 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–BX–2024–028. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–BX–2024–028 and should be submitted on or before September 17, 2024.

[38] 15 U.S.C. 78s(b)(3)(A).

[39] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[40] 17 CFR 240.19b–4(f)(6).

[41] 17 CFR 240.19b–4(f)(6)(iii).

[42] *See supra* note 7.

[43] *See supra* note 11.

[44] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[45]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–19149 Filed 8–26–24; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100789; File No. SR–MRX–2024–31]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Introduce MRX Options Trade Outline

August 21, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 9, 2024, Nasdaq MRX, LLC (''MRX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as constituting a ''non-controversial'' rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to introduce MRX Options Trade Outline.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/mrx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to introduce MRX Options Trade Outline.[5] Patterned after PHLX Options Trade Outline ''PHOTO,''[6] MRX Options Trade Outline will replicate in substance[7] PHOTO and the other trade outline products currently offered by Nasdaq ISE, LLC (''ISE''),[8] Nasdaq GEMX, LLC (''GEMX''),[9] and the options market operated by the Nasdaq Stock Market LLC (''Nasdaq Options Market'' or ''NOM'').[10] It is also similar to trade outline products offered by exchanges not affiliated with Nasdaq.[11]

Information will be provided on an End of Day, Intra-Day, and historical basis.

MRX Options Trade Outline, like all of these other trade outline products, provides data to help market participants understand market sentiment on the Exchange and to support the creation of trading models useful in both options and equities markets. Market participants have expressed an interest in purchasing a trade outline product from the Exchange similar to those products already sold on the PHLX and other Nasdaq affiliates. MRX Options Trade Outline is being introduced to meet that demand, and to offer investors an additional perspective on investor sentiment.

MRX Options Trade Outline

MRX Options Trade Outline will provide aggregate quantity and volume information for trades on the Exchange for all series[12] during a trading session. Information is provided in the following categories: (i) total exchange volume for Intra-Day information and total exchange and industry volume for End of Day information for each reported series; (ii) open interest for the series; (iii) aggregate quantity of trades and aggregate trade volume effected to open a position,[13] characterized by origin type (Priority Customers,[14] Broker-Dealers,[15] Market Makers,[16] Firm

[45] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] A proposal to introduce BX Options Trade Outline on the BX Exchange is being submitted concurrently with this filing.

[6] *See* PHLX Rules, Options 7, Section 10; Securities Exchange Act Release No. 62887 (September 10, 2010), 75 FR 57092 (September 17, 2010) (SR–Phlx–2010–121) (introducing PHOTO on September 1, 2010).

[7] The underlying information for MRX Options Trade Outline will be the same as the other trade outline products offered by the Nasdaq exchanges. Presentation will differ, however, in that data will not be subdivided into categories. For example, the trade outline products offered by PHLX, ISE, GEMX and NOM subdivide the aggregate volume traded for each reported series into categories according to the quantity of contracts (less than 100, 100–199, and greater than 200). MRX Options Trade Outline will not separate this information into quantitative categories, but rather will provide the same aggregate volume information as PHOTO and the other Nasdaq exchanges without separating the information into categories according to the quantity of contracts.

[8] *See* Nasdaq ISE Rules, Options 7, Section 10(A) and (B) (Nasdaq ISE Open/Close Trade Profile End of Day; Nasdaq ISE Open/Close Trade Profile Intraday).

[9] *See* Nasdaq GEMX Rules, Options 7, Sections 7(D) (Nasdaq GEMX Open/Close End of Day Trade Profile) and 7(E) (Nasdaq GEMX Open/Close Intraday Trade Profile).

[10] *See* Nasdaq Rules, Options 7, Section 4 (Nasdaq Options Trade Outline (''NOTO'')).

[11] *See, e.g.,* Securities Exchange Act Release No. 94913 (May 13, 2022), 87 FR 30534 (May 19, 2022) (SR–Cboe–2022–023) (describing End-of-Day and Intraday Open-Close Data as a summary of trading activity on the exchange at the option level by origin, side of the market, price and transaction type); Securities Exchange Act Release No. 93803 (December 16, 2021, 86 FR 72647 (December 22, 2021) (SR–NYSEAMER–2021–46) (describing the NYSE Options Open-Close Volume Summary as a volume summary of trading activity on the exchange at the option level by origin, side of the market, contract volume and transaction type); Securities Exchange Act Release No. 93132 (September 27, 2021), 86 FR 54499 (October 1, 2021) (SR–NYSEArca–2021–82) (describing the NYSE Options Open-Close Volume Summary as a volume summary of trading activity on the exchange at the option level by origin, side of the market, contract volume and transaction type); Securities Exchange Act Release No. 97174 (March 21, 2023), 88 FR 18201 (March 27, 2023) (SR–BOX–2023–09) (describing the BOX exchange Open-Close Data report as providing volume by origin, buying/selling, and opening/closing criteria); Securities Exchange Act Release No. 91964 (May 21, 2021), 86 FR 28667 (May 27, 2021) (SR–PEARL–2021–24) (introducing the Open-Close Report).

[12] Every options series trades as a distinct symbol; the terms ''series'' and ''symbol'' are therefore synonyms.

[13] This includes the aggregate number of ''opening purchase transactions,'' defined as an Exchange Transaction that will create or increase a long position in an options contract, *see* Options 1, Section 1(a)(27), and the aggregate number of ''opening writing transactions,'' defined as an Exchange Transaction that will create or increase a short position in an options contract. *See* Options 1, Section 1(a)(28).

[14] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Options 1 § 1(a)(36).

[15] A ''Broker-Dealer'' order is an order submitted by a Member for a broker-dealer account that is not its own proprietary account. *See* Options 7 § 1(c).

[16] The term ''Market Makers'' refers to ''Competitive Market Makers'' and ''Primary Market Makers'' collectively. *See* Options 1 § 1(a)(21). The term ''Competitive Market Maker'' means a Member

Proprietary,[17] and Professional Customers [18]); and (iv) aggregate quantity of trades and aggregate trade volume effected to close a position,[19] characterized by origin type (Priority Customers, Broker-Dealers, Market Makers, Firm Proprietary, and Professional Customers).[20]

MRX Trade Outline End of Day will also provide opening buy, closing buy, opening sell and closing sell information, which shall include option first trade price, option high trade price, option low trade price, and option last trade price.

End of Day information will be available the next business day. Intra-Day information is updated at 10-minute intervals over the course of the trading day. Historical information will be available upon request.

This information will be available to all market participants, including both members and non-members, for all series and symbols in End of Day, Intra-Day, and historical files (upon request).

MRX Options Trade Outline will provide proprietary Exchange trading data and will not include any intraday trading data from any other exchange.[21] The information provided, both in End of Day and Intraday formats, is not a real-time data feed. MRX Options Trade Outline is a completely voluntary product in that the Exchange is not required by any rule or regulation to make this data available and potential subscribers may purchase it only if they voluntarily choose to do so.

The End of Day file will be updated during an overnight process with additional fields [22] and will be available the following morning, providing aggregate data for the entire trading session.

Intra-Day information will be released in scheduled ''snapshots'' available every 10 minutes for all options series over the course of the trading day. The snapshot will be updated to reflect whatever activity occurred, or to indicate that no activity occurred.[23] This is the same schedule currently offered on PHLX, ISE, GEMX, and Nasdaq Options Market.[24]

Historical data will be available in both End of Day and Intra-Day formats for all option series traded for every calendar month after September 2017, based on specific request.[25]

Fees for MRX Options Trade Outline will be proposed in a separate filing.

The proposed date of implementation, subject to the regulatory process, will be September 2, 2024.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[26] in general, and furthers the objectives of Section 6(b)(5) of the Act,[27] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general to protect investors and the public interest.

The Exchange believes that MRX Options Trade Outline would further broaden the availability of U.S. option market data to investors. The proposal promotes transparency through the dissemination of aggregate quantity and volume information for trades on the Exchange for all series during a trading session, and would benefit investors by promoting better informed trading throughout the trading day and at the end of the day. The proposed product is well-understood in the market, and provides the same information as ISE, GEMX, NOM, and substantially the same information as many exchanges not affiliated with Nasdaq.

The Exchange believes that MRX Options Trade Outline would further broaden the availability of U.S. option market data to investors consistent with the principles of the Act. The proposed rule change would promote better informed trading by, for example, disseminating information that may indicate investor sentiment. Data recipients may also be able to enhance their ability to analyze option trade and volume data on an intraday basis, and create and test trading models and analytical strategies. MRX Options Trade Outline will provide a valuable tool that subscribers can use to gain comprehensive insight into the trading activity in particular series.[28]

Trade outline products have been available on multiple exchanges for many years and are well known in the market and used by many market participants. PHLX Options Trade Outline, which is a model for MRX Options Trade Outline, has been available for well over a decade.[29] Similar products available on other Nasdaq exchanges include ISE Trade Profile,[30] GEMX Trade Profile,[31] and Nasdaq Options Trade Outline.[32] Trade outline products are also offered by competitor exchanges such a Cboe,[33] NYSE American,[34] NYSE Arca,[35]

that is approved to exercise trading privileges associated with CMM Rights. *See* Options 1 § 1(a)(12). The term ''Primary Market Maker'' means a Member that is approved to exercise trading privileges associated with PMM Rights. *See* Options 1 § 1(a)(35).

[17] A ''Firm Proprietary'' order is an order submitted by a Member for its own proprietary account. *See* Options 7 § 1(c).

[18] A ''Professional Customer'' is a person or entity that is not a broker/dealer and is not a Priority Customer. *See* Options 7 § 1(c).

[19] This includes the aggregate number of ''closing purchase transactions'' in the affected series, defined as an Exchange Transaction that will reduce or eliminate a short position in an options contract, *see* Options 1, Section 1(a)(9), and the aggregate number of ''closing writing transactions,'' defined as an Exchange Transaction that will reduce or eliminate a long position in an options contract. *See* Options 1, Section 1(a)(10).

[20] These are the same types of information available on PHOTO, and the other trade outline products offered by Nasdaq exchanges.

[21] The End of Day report includes a field that presents Total Industry Volume for the Series.

[22] The additional fields are: First Trade Price, High Trade Price, Low Trade Price, Last Trade Price, Underlying Close, Moneyness, Total Exchange volume, Total Industry Volume for the Series, and Open Interest.

[23] Subscribers will receive the first snapshot at 9:42 a.m. ET, representing data captured from 9:30 a.m. to 9:40 a.m., and the second calculation at 9:52 a.m., representing data from both the most recent snapshot and previous snapshots, and continuing over the course of the trading day. The final Intra-Day snapshot will be distributed at 4:15 p.m.

[24] *See Supra,* notes 4 through 8.

[25] Market participants generally use historical files for model testing and research, and the period of time required by a particular market participant will depend on its unique testing and research needs as well as whether it is using End of Day or Intra-Day information. Some customers, for example, may request years of data, while others only months, or even a single month. The same principle applies to End of Day vs. Intra-Day information.

[26] 15 U.S.C. 78f(b).

[27] 15 U.S.C. 78f(b)(5).

[28] While such information is valuable, it is not necessary for trading.

[29] *See* Securities Exchange Act Release No. 62887 (September 10, 2010), 75 FR 57092 (September 17, 2010) (SR–Phlx–2010–121) (introducing PHOTO on September 1, 2010).

[30] *See* Nasdaq ISE Rules, Options 7, Section 10(A) and (B) (Nasdaq ISE Open/Close Trade Profile End of Day; Nasdaq ISE Open/Close Trade Profile Intraday).

[31] *See* Nasdaq GEMX Rules, Options 7, Sections 7(D) (Nasdaq GEMX Open/Close End of Day Trade Profile) and 7(E) (Nasdaq GEMX Open/Close Intraday Trade Profile).

[32] *See* Nasdaq Rules, Options 7, Section 4 (Nasdaq Options Trade Outline (''NOTO'')).

[33] *See, e.g.,* Securities Exchange Act Release No. 94913 (May 13, 2022), 87 FR 30534 (May 19, 2022) (SR–Cboe–2022–023) (describing End-of-Day and Intraday Open-Close Data as a summary of trading activity on the exchange at the option level by origin, side of the market, price and transaction type).

[34] *See, e.g.,* Securities Exchange Act Release No. 93803 (December 16, 2021, 86 FR 72647 (December 22, 2021) (SR–NYSEAMER–2021–46) (describing the NYSE Options Open-Close Volume Summary as a volume summary of trading activity on the exchange at the option level by origin, side of the market, contract volume and transaction type).

[35] *See, e.g.,* Securities Exchange Act Release No. 93132 (September 27, 2021), 86 FR 54499 (October 1, 2021) (SR–NYSEArca–2021–82) (describing the NYSE Options Open-Close Volume Summary as a volume summary of trading activity on the exchange at the option level by origin, side of the market, contract volume and transaction type).

BOX,[36] and MIAX PEARL.[37] The trade outline products offered by the Nasdaq-affiliated exchanges provide exactly the same information as the proposed MRX Options Trade outline, and those offered by other exchanges provide substantially the same information, including both Intra-Day and End of Day data.

MRX Options Trade Outline will foster investor protection by expanding the amount of information available to investors. Adding information from another exchange to the current mix of trade outline products will help investors become better informed about market sentiment and therefore better able to protect their interests.

Approval of this proposal will expand customer choice. Trade outline products can serve as substitutes or complements, depending on the information needs of the market participant. In general, the value of a trade outline product depends on trading volume on a particular exchange; the higher the volume of transactions on an exchange, the more valuable the information on market sentiment. Customers can choose to purchase multiple trade outline products, or to substitute the product of one exchange for another, based on their particular trading strategy and information needs. Adding a new exchange to the product mix will expand the number of options available to market participants, and will foster competition among the exchanges offering these products. As noted above, this proposal is a direct response to customer demand.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Nothing in the proposal burdens inter-market competition (the competition among self-regulatory organizations) because approval of the proposal does not impose any burden on the ability of other exchanges to compete. As explained above, many exchanges not affiliated with Nasdaq currently offer competing products and the introduction of MRX Options Trade Outline will assist the Exchange in competing with those other exchanges.

Nothing in the proposal burdens intra-market competition (the competition among consumers of exchange data) because MRX Options Trade Outline will be available to any market participant, including both members and non-members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act[38] and Rule 19b–4(f)(6)[39] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[40] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[41] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative upon filing. The Exchange states that waiver of the operative delay does not present market participants with any new or novel issues, as the proposed product is well-understood in the market, and provides the same information as trade outline products offered by PHLX, ISE, GEMX, and NOM,[42] and substantially the same information as many exchanges not affiliated with Nasdaq.[43] The Exchange also states that the proposed trade outline product will promote better informed trading throughout the trading day and at the end of the day by disseminating information that may indicate investor sentiment, and which may allow data recipients to create and test trading models and analytic strategies. For these reasons, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[44]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–MRX–2024–31 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–MRX–2024–31. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements

[36] *See, e.g.,* Securities Exchange Act Release No. 97174 (March 21, 2023), 88 FR 18201 (March 27, 2023) (SR–BOX–2023–09) (describing the BOX exchange Open-Close Data report as providing volume by origin, buying/selling, and opening/closing criteria).

[37] *See, e.g.,* Securities Exchange Act Release No. 91964 (May 21, 2021), 86 FR 28667 (May 27, 2021) (SR–PEARL–2021–24) (introducing the Open-Close Report).

[38] 15 U.S.C. 78s(b)(3)(A).

[39] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[40] 17 CFR 240.19b–4(f)(6).

[41] 17 CFR 240.19b–4(f)(6)(iii).

[42] *See supra* note 7.

[43] *See supra* note 11.

[44] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–MRX–2024–31 and should be submitted on or before September 17, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[45]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–19148 Filed 8–26–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100797; File No. SR–Phlx–2024–40]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 7, Section 4

August 21, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 6, 2024, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Phlx's Pricing Schedule at Options 7, Section 4, ''Multiply Listed Options Fees (Includes options overlying equities, ETFs, ETNs and indexes which are Multiply Listed) (Excludes SPY and broad-based index options symbols listed within Options 7, Section 5.A).'' [3]

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Phlx proposes to amend its Pricing Schedule at Options 7, Section 4, ''Multiply Listed Options Fees (Includes options overlying equities, ETFs, ETNs and indexes which are Multiply Listed) (Excludes SPY and broad-based index options symbols listed within Options 7, Section 5.A).'' Specifically, Phlx proposes to amend its Qualified Contingent Cross (''QCC'') Rebates.

Today, the Exchange assesses a $0.20 per contract QCC Transaction Fee for a Lead Market Maker,[4] Market Maker [5] Firm [6] and Broker-Dealer.[7] Customers [8] and Professionals [9] are not assessed a QCC Transaction Fee. QCC Transaction Fees apply to electronic QCC Orders [10] and Floor QCC Orders.[11]

QCC Rebates

Today, Options 7, Section 4 describes QCC Rebates that are offered by Phlx. Today, Phlx pays a QCC Rebate of $0.12 per contract on electronic QCC Orders, as defined in Options 3, Section 12, and Floor QCC Orders, as defined in Options 8, Section 30(e), when a QCC Order is comprised of a Customer or Professional order on one side and a Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on the other side. This rebate is $0.17 per contract in the event that a member or member organization executes greater than 750,000 qualifying QCC contracts in a given month.

[45] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] On July 21, 2025, SR–Phlx–2024–39 was filed with an operative date of August 1, 2024. On August 6, 2024, Phlx withdrew SR–Phlx–2024–39 and filed this rule change.

[4] The term ''Lead Market Maker'' applies to transactions for the account of a Lead Market Maker (as defined in Options 2, Section 12(a)). A Lead Market Maker is an Exchange member who is registered as an options Lead Market Maker pursuant to Options 2, Section 12(a). An options Lead Market Maker includes a Remote Lead Market Maker which is defined as an options Lead Market Maker in one or more classes that does not have a physical presence on an Exchange floor and is approved by the Exchange pursuant to Options 2, Section 11. *See* Options 7, Section 1(c). The term ''Floor Lead Market Maker'' is a member who is registered as an options Lead Market Maker pursuant to Options 2, Section 12(a) and has a physical presence on the Exchange's trading floor. *See* Options 8, Section 2(a)(3).

[5] The term ''Market Maker'' is defined in Options 1, Section 1(b)(28) as a Streaming Quote Trader or a Remote Streaming Quote Trader who enters quotations for his own account electronically into the System. A Market Maker includes SQTs and RSQTs as well as Floor Market Makers. *See* Options 7, Section 1(c). The term ''Floor Market Maker'' is a Market Maker who is neither an SQT or an RSQT. A Floor Market Maker may provide a quote in open outcry. *See* Options 8, Section 2(a)(4).

[6] The term ''Firm'' applies to any transaction that is identified by a member or member organization for clearing in the Firm range at The Options Clearing Corporation. *See* Options 7, Section 1(c).

[7] The term ''Broker-Dealer'' applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category. *See* Options 7, Section 1(c).

[8] The term ''Customer'' applies to any transaction that is identified by a member or member organization for clearing in the Customer range at The Options Clearing Corporation (''OCC'') which is not for the account of a broker or dealer or for the account of a ''Professional'' (as that term is defined in Options 1, Section 1(b)(45)). *See* Options 7, Section 1(c).

[9] The term ''Professional'' applies to transactions for the accounts of Professionals, as defined in Options 1, Section 1(b)(45) means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Options 7, Section 1(c).

[10] Electronic QCC Orders are described in Options 3, Section 12.

[11] Floor QCC Orders are described in Options 8, Section 30(e).

Additionally, Phlx pays a rebate of $0.22 per contract in the event that a member or member organization executes: (1) greater than 750,000 qualifying QCC contracts in a given month, (2) Floor Originated Strategy Executions [12] in excess of 3,500,000 contracts in a given month, and (3) at least 40% of the member or member organization's QCC executed contracts in that month are comprised of a Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on one side and Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on the other side.

Today, Phlx also pays a QCC Rebate of $0.14 per contract on electronic QCC Orders, as defined in Options 3, Section 12, and Floor QCC Orders, as defined in Options 8, Section 30(e), when a QCC Order is comprised of a Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on one side and a Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on the other side. This rebate is $0.19 per contract in the event that a member or member organization executes greater than 750,000 qualifying QCC contracts in a given month. Additionally, Phlx pays a rebate of $0.27 per contract in the event that a member or member organization executes: (1) greater than 750,000 qualifying QCC contracts in a given month, (2) Floor Originated Strategy Executions in excess of 3,500,000 contracts in a given month, and (3) at least 40% of the member or member organization's QCC executed contracts in that month are comprised of a Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on one side and Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on the other side

Today, these QCC rebates are paid on all qualifying executed electronic QCC Orders, as defined in Options 3, Section 12, and Floor QCC Orders, as defined in Options 8, Section 30(e), except where the transaction is either: (i) Customer-to-Customer; (ii) Customer-to-Professional; (iii) Professional-to-Professional or (iv) a dividend, merger, short stock interest, reversal and conversion, jelly roll, and box spread strategy executions (as defined in Options 7, Section 4). Further, today, volume resulting from all executed electronic QCC Orders and Floor QCC Orders, including Customer-to-Customer, Customer-to-Professional, and Professional-to-Professional transactions and excluding dividend, merger, short stock interest, reversal and conversion, jelly roll, and box spread strategy executions, will be aggregated in determining the applicable member or member organization qualifying QCC contract volume in a given month.

Proposal

At this time, the Exchange proposes to amend the qualifications on two of the QCC Rebates to lower the second qualification for Floor Originated Strategy Executions from ''in excess of 3,500,000 contracts'' to ''in excess of 2,500,000.''

Therefore, the Exchange proposes to continue to pay a rebate of $0.22 per contract, when a QCC Order is comprised of a Customer or Professional order on one side and a Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on the other side, in the event that a member or member organization executes (1) greater than 750,000 qualifying QCC contracts in a given month; (2) Floor Originated Strategy Executions in excess of 2,500,000 contracts in a given month; and (3) at least 40% of the member or member organization's QCC executed contracts in that month are comprised of a Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on one side and Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on the other side.

Additionally, the Exchange proposes to continue to pay a rebate of $0.27 per contract, when a QCC Order is comprised of a Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on one side and a Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on the other side, in the event that a member or member organization executes: (1) greater than 750,000 qualifying QCC contracts in a given month; (2) Floor Originated Strategy Executions in excess of 2,500,000 contracts in a given month and (3) at least 40% of the member or member organization's QCC executed contracts in that month are comprised of a Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on one side and Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on the other side.

The Exchange would continue to pay QCC Rebates on all qualifying executed electronic QCC Orders, as defined in Options 3, Section 12, and Floor QCC Orders, as defined in Options 8, Section 30(e), except where the transaction is either: (i) Customer-to-Customer; (ii) Customer-to-Professional; (iii) Professional-to-Professional; or (iv) a dividend, merger, short stock interest, reversal and conversion, jelly roll, and box spread strategy executions (as defined in Options 7, Section 4). Also, the Exchange would continue to aggregate volume resulting from all executed electronic QCC Orders and Floor QCC Orders, including Customer-to-Customer, Customer-to-Professional, and Professional-to-Professional transactions and excluding dividend, merger, short stock interest, reversal and conversion, jelly roll, and box spread strategy executions, in determining the applicable member or member organization qualifying QCC contract volume in a given month.

The Exchange believes that the proposed amendments to the qualifications will encourage Phlx members and member organizations to continue to transact qualifying QCC contracts and Floor Originated Strategy Executions on Phlx. By lowering the number of Floor Originated Strategy Executions as part of the qualifications, Phlx believes additional members and member organizations may achieve these QCC rebates.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[14] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [15]

Likewise, in *NetCoalition* v. *Securities and Exchange Commission* [16] (''NetCoalition'') the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of

[12] Floor Originated Strategy Executions are defined as a dividend, merger, short stock interest, reversal and conversion, jelly roll or box spread strategy as described in Options 7, Section 4.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(4) and (5).

[15] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[16] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

market data fees against a challenge claiming that Congress mandated a cost-based approach.[17] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.'' [18]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [19] Although the court and the SEC were discussing the cash equities markets, the Exchange believes that these views apply with equal force to the options markets.

The Exchange's proposal to amend the qualifications for two QCC Rebates in Options 7, Section 4 [20] by lowering the second qualification for Floor Originated Strategy Executions ''in excess of 3,500,000 contracts'' to ''in excess of 2,500,000'' in a given month is reasonable because the proposed amendments to the qualifications will encourage Phlx members and member organizations to continue to transact qualifying QCC contracts and Floor Originated Strategy Executions on Phlx. By lowering the number of Floor Originated Strategy Executions as part of the qualifications, Phlx believes additional members and member organizations may achieve the QCC rebates. Floor Originated Strategy Executions are defined as a dividend, merger, short stock interest, reversal and conversion, jelly roll or box spread strategy as described in Options 7, Section 4.

The Exchange's proposal to amend the qualifications for two QCC Rebates in Options 7, Section 4 by lowering the second qualification for Floor Originated Strategy Executions ''in excess of 3,500,000 contracts'' to ''in excess of 2,500,000'' in a given month is equitable and not unfairly discriminatory because all members and member organizations may qualify for QCC Rebates, provided they transact the requisite volume.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Inter-Market Competition

The proposal does not impose an undue burden on inter-market competition. The Exchange believes its proposal remains competitive with other options markets and will offer market participants with another choice of where to transact options. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

Intra-Market Competition

The proposed amendments do not impose an undue burden on intra-market competition. The Exchange's proposal to amend the qualifications for two QCC Rebates in Options 7, Section 4 by lowering the second qualification for Floor Originated Strategy Executions ''in excess of 3,500,000 contracts'' to ''in excess of 2,500,000'' in a given month does not impose an undue burden on competition because all members and member organizations may qualify for QCC Rebates, provided they transact the requisite volume.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [21] of the Act and subparagraph (f)(2) of Rule 19b–4 [22] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [23] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–Phlx–2024–40 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

[17] *See NetCoalition,* at 534–535.

[18] *Id.* at 537.

[19] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[20] The Exchange proposes to amend the qualification where it is currently paying a rebate of $0.22 per contract, when a QCC Order is comprised of a Customer or Professional order on one side and a Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on the other side, in the event that a member or member organization both executes: (1) greater than 750,000 qualifying QCC contracts in a given month; (2) Floor Originated Strategy Executions in excess of 3,500,000 contracts in a given month, and (3) at least at least 40% of the member or member organization's QCC executed contracts in that month are comprised of a Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on one side and Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on the other side. Additionally, the Exchange proposes to amend the qualification where it is currently paying a $0.27 per contract, when a QCC Order is comprised of a Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on one side and a Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on the other side, in the event that a member or member organization both executes (1) greater than 750,000 qualifying QCC contracts in a given month, (2) Floor Originated Strategy Executions in excess of 3,500,000 contracts in a given month, and (3) at least 40% of the member or member organization's QCC executed contracts in that month are comprised of a Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on one side and Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on the other side.

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f)(2).

[23] 15 U.S.C. 78s(b)(2)(B).

All submissions should refer to file number SR–Phlx–2024–40. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–Phlx–2024–40 and should be submitted on or before September 17, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–19151 Filed 8–26–24; 8:45 am]

BILLING CODE 8011–01–P

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100787; File No. SR–FINRA–2024–008]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of Partial Amendment No. 1 and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Partial Amendment No. 1, To Amend FINRA Rule 12800 (Simplified Arbitration) To Clarify and Amend the Applicability of the Document Production Lists

August 21, 2024.

I. Introduction

On May 13, 2024, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–FINRA–2024–008) to amend FINRA Rule 12800 (Simplified Arbitration) of the FINRA Code of Arbitration Procedure for Customer Disputes (''Customer Code''). The proposed rule change, as subsequently modified by Partial Amendment No. 1, would address the applicability of the Document Production Lists[3] to simplified customer arbitrations administered under FINRA Rule 12800.

The proposed rule change was published for public comment in the **Federal Register** on May 28, 2024.[4] The public comment period closed on June 18, 2024. The Commission received comment letters related to this filing.[5] On July 8, 2024, FINRA consented to an extension of the time period in which the Commission must approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change to August 26, 2024.[6] On August 7, 2024, FINRA responded to the comment letters received in response to the Notice and filed a partial amendment to modify the proposed rule change (''Partial Amendment No. 1'').[7]

The Commission is publishing this order pursuant to Section 19(b)(2)(B) of the Exchange Act[8] to solicit comments on the proposed rule change, as modified by Partial Amendment No. 1, and to institute proceedings to determine whether to approve or disapprove the proposed rule change, as modified by Partial Amendment No. 1 (hereinafter referred to as the ''proposed rule change'' unless otherwise specified).

II. Description of the Proposed Rule Change

A. Background

FINRA Dispute Resolution Services (''DRS'') provides a Discovery Guide to help guide the parties and arbitrators through the discovery process in customer arbitrations.[9] The Document Production Lists, which are included in the Discovery Guide and described in FINRA Rule 12506, outline presumptively discoverable documents that the parties should exchange, without arbitrator or DRS staff intervention.[10]

Document Production Lists 1 and 2 describe the documents that are presumed to be discoverable in all arbitrations between a customer and a member firm or associated person except in simplified customer arbitrations as explained below.[11] List 1 outlines the documents that member firms and associated persons shall produce; List 2 outlines the documents that customers shall produce.[12] The proposed rule change would affect the applicability of the Document

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] FINRA Rule 12506 (Document Production Lists) describes the documents that are presumed to be discoverable in all arbitrations between a customer and a member firm or associated person.

[4] *See* Exchange Act Release No. 100204 (May 21, 2024), 89 FR 46210 (May 28, 2024) (File No. SR–FINRA2024–008) (''Notice'').

[5] The comment letters are available at *https://www.sec.gov/comments/sr-finra-2024-008/srfinra2024008.htm.*

[6] *See* letter from Carissa Laughlin, Principal Counsel, Office of General Counsel, FINRA, to Lourdes Gonzalez, Assistant Chief Counsel, Division of Trading and Markets, Commission, dated July 8, 2024, *https://www.finra.org/sites/default/files/2024-07/SR-FINRA-2024-008-extension1.pdf.*

[7] *See* letter from Carissa Laughlin, Principal Counsel, Office of General Counsel, FINRA, to Vanessa Countryman, Secretary, Commission, dated August 7, 2024, *https://www.sec.gov/comments/sr-finra-2024-008/srfinra2024008-503775-1470022.pdf* (''FINRA Response Letter''); *see also* Partial Amendment No. 1, *https://www.finra.org/sites/default/files/2024-08/SR-FINRA-2024-008-Partial-A-1.pdf.*

[8] 15 U.S.C. 78s(b)(2)(B).

[9] *See* Notice at 46210; *see also https://www.finra.org/sites/default/files/ArbMed/p394527.pdf.* The FINRA Discovery Guide and Document Production Lists do not apply to arbitrations administered under the Code of Arbitration Procedure for Industry Disputes. *See* Notice at 46210 n.3.

[10] *See* Notice at 46210.

[11] *Id.; see also* FINRA Rule 12506(a).

[12] *See* Notice at 46210; *see also https://www.finra.org/sites/default/files/ArbMed/p394527.pdf.*

Production Lists in simplified customer arbitrations.

Simplified arbitrations are arbitrations in which the dispute between a customer and member firm or associated person involves $50,000 or less, exclusive of interest and expenses.[13] There are three types of simplified customer arbitrations. If the customer does not request a hearing, the arbitrator will render an award based on the pleadings and other materials submitted by the parties (''paper cases'').[14] If the customer requests a hearing, the customer must select between one of two hearing options.[15] If the customer requests an Option One hearing under FINRA Rule 12800(c)(3)(A), the regular provisions of the Customer Code relating to prehearings and hearings, including all fee provisions, apply (''regular hearing'').[16] The customer may also request an Option Two special proceeding, an abbreviated hearing, under FINRA Rule 12800(c)(3)(B) (''special proceeding'').[17]

Currently, the Document Production Lists do not apply in paper cases and special proceedings.[18] However, under FINRA Rule 12800(g)(1), the arbitrator may exercise discretion to choose to use relevant portions of the Document Production Lists in paper cases and special proceedings ''in a manner consistent with the expedited nature of simplified proceedings.'' [19] Absent such an exercise of discretion by the arbitrator, to obtain discovery in paper cases and special proceedings, the parties must request documents and other information from each other pursuant to FINRA Rule 12800(g)(2).[20] Therefore, under the current Customer Code, no documents or information are presumptively discoverable in paper cases and special proceedings.[21]

The Document Production Lists do, however, apply in simplified customer arbitrations in which the customer requests a regular hearing.[22] As noted above, if the customer requests a regular hearing during the simplified customer arbitration, FINRA Rule 12800(c)(3)(A) states that the ''regular provisions'' of the Customer Code ''relating to prehearings and hearings'' apply.[23] FINRA has issued guidance clarifying this language to mean that the Document Production Lists apply in simplified customer arbitrations in which the customer requests a regular hearing.[24]

B. The Proposed Rule Change

1. Applying the Document Production Lists in Paper Cases and Special Proceedings

The proposed rule change would amend FINRA Rule 12800(g)(1) to give customers in paper cases and special proceedings the option to elect whether they want the Document Production Lists to apply to all parties.[25] Specifically, proposed Rule 12800(g)(1)(B) states that the Document Production Lists described in FINRA Rule 12506 would not apply in paper cases or special proceedings unless: (1) the customer requests that they apply at the time he or she initiates an arbitration pursuant to Rule 12302 (Filing and Serving an Initial Statement of Claim) or, (2) if the customer is a respondent, he or she requests that they apply no later than the answer due date pursuant to Rule 12303 (Answering the Statement of Claim), regardless of the parties' agreement to extend any answer due date.[26]

If the customer does not timely elect to apply the Document Production Lists to all parties as provided, proposed Rule 12800(g)(1)(B) would retain the current provision in the rule that the arbitrator has the discretion to use relevant portions of the Document Production Lists in a manner consistent with the expedited nature of simplified customer arbitrations. Additionally, proposed Rule 12800(g)(2) would retain the current provision in the rule that would permit the parties to request documents and information from each other.[27]

2. Clarifying the Applicability of the Document Production Lists in Simplified Customer Arbitrations

Currently, FINRA Rule 12800(c)(3)(A) states that, when a customer requests a regular hearing (*i.e.,* an ''Option One'' hearing), the ''regular provisions'' of the Customer Code relating to prehearings and hearings apply. As stated above, DRS has issued guidance clarifying this language to mean that the Document Production Lists apply in simplified customer arbitrations in which the customer requests a regular hearing.[28] The proposed rule change would codify that the Document Production Lists apply to simplified customer arbitrations in which the customer requests a regular hearing.[29] Specifically, proposed Rule 12800(g)(1)(A) would provide that ''[t]he Document Production Lists, described in Rule 12506, apply to arbitrations in which the customer requests an Option One hearing.''

Further, to clarify the proposed rule text, Partial Amendment No. 1 would modify proposed Rule 12800(g)(1)(B) to mirror the language in proposed Rule 12800(g)(1)(A) so that both provisions begin with ''The Document Production Lists, described in Rule 12506 . . .''.[30]

III. Proceedings To Determine Whether To Approve or Disapprove File No. SR–FINRA–2024–008 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act to determine whether the proposed rule change, as modified by Partial Amendment No. 1, should be approved or disapproved.[31] Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change, as modified by Partial Amendment No. 1.

[13] *See* FINRA Rule 12800(a).

[14] *See* Notice at 46210; *see also* FINRA Rule 12800(c)(2).

[15] *See* Notice at 46210; *see also* FINRA Rule 12800(c)(3).

[16] *See* Notice at 46210; *see also* FINRA Rule 12800(c)(3)(A).

[17] *See* Notice at 46210; *see also* FINRA Rule 12800(c)(3)(B).

[18] *See* Notice at 46210. FINRA Rule 12800(g)(1) provides that the Document Production Lists ''do not apply to arbitrations subject to this rule'' (*i.e.,* paper cases and special proceedings). Notice at 46210.

[19] *See* Notice at 46210.

[20] *Id.* FINRA Rule 12800(g)(2) provides that all production requests must be served on all other parties and filed with the Director within 30 days from the date that the last answer is due; any response or objection to a production request must be served on all other parties and filed with the Director within 10 days of the receipt of the request.

[21] *See* Notice at 46210.

[22] *Id.*

[23] *Id.*

[24] *See* Notice at 46210; *see also* FINRA DRS Party's Reference Guide, p. 31, *https://www.finra.org/sites/default/files/Partys-Reference-Guide.pdf* (explaining that ''[t]he Document Production Lists in the Discovery Guide as described in FINRA Rule 12506 do not apply to simplified [customer] arbitrations decided on the papers or decided by special proceeding. However, the Discovery Guide does apply to simplified cases in which a customer requests a regular hearing.''). *See also https://www.finra.org/arbitration-mediation/simplified-arbitrations. See* Notice at 46210 n.11 and accompanying text.

[25] *See* Notice at 46211.

[26] *Id.* FINRA Rule 12303 provides that respondent(s) must serve each other party with an answer to the statement of claim within 45 days of receipt of the statement of claim. FINRA Rule 12207(a) provides that the parties may agree in writing to extend or modify the deadline for serving an answer.

[27] Nothing in the Discovery Guide precludes the parties from voluntarily agreeing to an exchange of documents in a manner different from that set forth in the Discovery Guide. FINRA encourages the parties to agree to the voluntary exchange of documents and to stipulate to various matters. *See* Notice at 46211 n.19; *see also https://www.finra.org/sites/default/files/ArbMed/p394527.pdf.*

[28] *See* Notice at 46212; *see also supra* note 24.

[29] *See* Notice at 46212.

[30] *See* Partial Amendment No. 1 and FINRA Response Letter at 2–3.

[31] 15 U.S.C. 78s(b)(2)(B).

Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to the proposed rule change, as modified by Partial Amendment No. 1.

Pursuant to Section 19(b)(2)(B) of the Exchange Act, the Commission is providing notice of the grounds for disapproval under consideration.[32] The Commission is instituting proceedings to allow for additional analysis and input concerning whether the proposed rule change, as modified by Partial Amendment No. 1, is consistent with the Exchange Act and the rules thereunder.

IV. Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposed rule change, as modified by Partial Amendment No. 1. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change, as modified by Partial Amendment No. 1, is consistent with the Exchange Act and the rules thereunder.

Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[33]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change, as modified by Partial Amendment No. 1, should be approved or disapproved by September 17, 2024. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by October 1, 2024.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–FINRA–2024–008 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–FINRA–2024–008. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change, as modified by Partial Amendment No. 1, that are filed with the Commission, and all written communications relating to the proposed rule change, as modified by Partial Amendment No. 1, between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–FINRA–2024–008 and should be submitted on or before September 17, 2024. If comments are received, any rebuttal comments should be submitted on or before October 1, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–19147 Filed 8–26–24; 8:45 am]

BILLING CODE 8011–01–P

[32] *Id.*

[33] Section 19(b)(2) of the Exchange Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29, 89 Stat. 97 (1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[34] 17 CFR 200.30–3(a)(12); 17 CFR 200.30–3(a)(57).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20533 and #20534; FLORIDA Disaster Number FL–20009]

Presidential Declaration Amendment of a Major Disaster for the State of Florida

AGENCY: Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Florida (FEMA–4806–DR), dated 08/10/2024.

Incident: Hurricane Debby.

Incident Period: 08/01/2024 and continuing.

DATES: Issued on 08/20/2024.

Physical Loan Application Deadline Date: 10/09/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 05/12/2025.

ADDRESSES: Visit the MySBA Loan Portal at *https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Florida, dated 08/10/2024, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Madison.

Contiguous Counties (Economic Injury Loans Only):

Georgia: Brooks.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–19159 Filed 8–26–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20478 and #20479; VERMONT Disaster Number VT–20001]

Presidential Declaration of a Major Disaster for the State of Vermont

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Vermont (FEMA–4810–DR), dated 08/20/2024.

Incident: Severe Storm, Flooding, Landslides, and Mudslides.

Incident Period: 07/09/2024 through 07/11/2024.

DATES: Issued on 08/20/2024.

Physical Loan Application Deadline Date: 10/21/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 05/20/2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Vanessa Morgan, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 08/20/2024, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans):

Addison, Caledonia, Chittenden, Essex, Lamoille, Orleans, Washington.

Contiguous Counties (Economic Injury Loans Only):

Vermont: Franklin, Grand Isle, Orange, Rutland, Windsor.

New Hampshire: Coos, Grafton.

New York: Clinton, Essex, Washington.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.375
Homeowners without Credit Available Elsewhere	2.688
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 204786 and for economic injury is 204790.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–19221 Filed 8–26–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20564 and #20565; KANSAS Disaster Number KS–20014]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Kansas

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Kansas (FEMA—4811–DR), dated 08/20/2024.

Incident: Severe Storm, Straight-line Winds, Tornadoes, and Flooding.

Incident Period: 05/19/2024.

DATES: Issued on 08/20/2024.

Physical Loan Application Deadline Date: 10/21/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 05/20/2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 08/20/2024, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Barton, Ellsworth, Harvey, Hodgeman, Lincoln, Morris, Ottawa, Pawnee, Reno, Rush, Russell, Stafford, Wabaunsee, Wyandotte.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 20564C and for economic injury is 205650.

(Catalog of Federal Domestic Assistance Number 59008)

Francisco Sánchez, Jr.,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–19146 Filed 8–26–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20535 and #20536; INDIANA Disaster Number IN–20005]

Administrative Declaration of a Disaster for the State of Indiana

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Indiana dated 08/20/2024.

Incident: Severe Storms and Tornadoes.

Incident Period: 07/30/2024.

DATES: Issued on 08/20/2024.

Physical Loan Application Deadline Date: 10/21/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 05/20/2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration,

applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Warrick.

Contiguous Counties:

Indiana: Dubois, Gibson, Pike, Spencer, Vanderburgh.

Kentucky: Daviess, Henderson.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.375
Homeowners without Credit Available Elsewhere	2.688
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 20535C and for economic injury is 205360.

The States which received an EIDL Declaration are Indiana, Kentucky.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2024–19154 Filed 8–26–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20556 and #20557; VERMONT Disaster Number VT–20003]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Vermont

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Vermont (FEMA—4810–DR), dated 08/20/2024.

Incident: Severe Storm, Flooding, Landslides, and Mudslides.

Incident Period: 07/09/2024 through 07/11/2024.

DATES: Issued on 08/20/2024.

Physical Loan Application Deadline Date: 10/21/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 05/20/2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Vanessa Morgan, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 08/20/2024, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Addison, Caledonia, Chittenden, Essex, Lamoille, Orleans, Washington.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 205566 and for economic injury is 205570.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–19217 Filed 8–26–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20560 and #20561; SANTA CLARA PUEBLO Disaster Number NM–20007]

Presidential Declaration of a Major Disaster for Public Assistance Only for the Santa Clara Pueblo

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the Santa Clara Pueblo (FEMA–4809–DR), dated 08/20/2024.

Incident: Severe Storms and Flooding.

Incident Period: 06/20/2024 through 06/21/2024.

DATES: Issued on 08/20/2024.

Physical Loan Application Deadline Date: 10/21/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 05/20/2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 08/20/2024, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Area: Santa Clara Pueblo.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 205606 and for economic injury is 205610.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator,Office of Disaster Recovery & Resilience.

[FR Doc. 2024–19164 Filed 8–26–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20558 and #20559; NEBRASKA Disaster Number NE–20003]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Nebraska

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Nebraska (FEMA–4808–DR), dated 08/20/2024.

Incident: Severe Storms, Straight-Line Winds, Tornadoes, and Flooding.

Incident Period: 05/20/2024 through 06/03/2024.

DATES: Issued on 08/20/2024.

Physical Loan Application Deadline Date: 10/21/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 05/20/2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 08/20/2024, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Burt, Butler, Colfax, Dodge, Douglas, Dundy, Fillmore, Hamilton, Hayes, Hitchcock, Howard, Keith, Platte, Polk, Red Willow, Saunders, Washington.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 20558B and for economic injury is 205590.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–19155 Filed 8–26–24; 8:45 am]

BILLING CODE 8026–09–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2024–0032]

Agency Information Collection Activities: Proposed Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes one new information collection for public comment and ultimately OMB approval.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA. You may submit your comments online through *https://www.reginfo.gov/public/do/PRAMain,* referencing Docket ID Number [SSA–2024–0032].

(SSA), Social Security Administration, OLCA, Attn: Reports Clearance Director, Mail Stop 3253 Altmeyer, 6401 Security Blvd., Baltimore, MD 21235, Fax: 833–410–1631, Email address: *OR.Reports.Clearance@ssa.gov.* Or you may submit your comments online through *https://www.reginfo.gov/public/do/PRAMain,* referencing Docket ID Number [SSA–2024–0032].

SSA submitted the information collections below to OMB for clearance. Your comments regarding these information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than September 26, 2024. Individuals can obtain copies of these OMB clearance packages by writing to the above email address.

0960–NEW. Social Security Income Simplification Process Phase I (iSSI). Overview

SSA is embarking on a multi-year effort to simplify the Supplemental Security Income (SSI) application process. This presents a formidable challenge, based on the inherent complexity of the program.

The SSI program legally requires SSA to request extensive amounts of information from SSI applicants to make accurate eligibility and payment determinations. This is because the SSI program is, by statute, intended to provide assistance based on the current needs of a specific individual, with eligibility and payment amounts frequently fluctuating. Accordingly, it takes a significant number of questions to accurately identify an applicant's situation and needs. The framework of the SSI program will not change regardless of the type of application claimants must complete. However, we recognize that the current process is burdensome and challenging for the public, and we are doing what we can to reduce this burden and improve access to SSI.

As part of this effort, our goal is to develop a fully online, simplified SSI application process. As an important step toward that goal, we are currently planning to implement in late 2024 the SSI Simplification Phase I initiative, or iSSI. iSSI will be a pathway in the existing Social Security internet Claim (iClaim) System (OMB No. 0960–0618) that will streamline and shorten the SSI application for Title XVI 1 disability applicants. iClaim is an online portal the public can use to apply for multiple types of Social Security benefits. Currently, this includes Retirement, Spouse's, and Disability Insurance benefits (DIB) (Title II SSDI). Although

SSI Simplification Phase I/iSSI will be part of iClaim, the initiative relates to three existing OMB-approved SSA Information Collection Requests (ICRs) in total. Further details about iSSI and these three related ICRs follow.

How will iSSI work?

iSSI will work as follows:

- Title XVI applicants who want to use the internet to apply for SSI will use the iClaim system to initiate the application process and establish the protective filing date of the application. Applicants filing for themselves can authenticate online using one of our existing authentication methods, while applicants assisting others can use iClaim without authenticating. Although SSA encourages respondents to authenticate in iClaim, they can continue to use the system without authentication.
- When applicants who use iClaim authenticate themselves, the iClaim system can use some information already within SSA records. For all applicants, the iClaim system will prompt the Social Security Disability (Disability Insurance Benefit (DIB)) questions and pre-populate the applicant's answers within the iSSI portion of the iClaim pages. The applicants would then only need to answer simplified eligibility related questions, excerpted from the deferred SSI application, that will form the core of iSSI. These are what SSA refers to as ''basic eligibility questions.''
- After answering the DIB and SSI basic eligibility questions, applicants will be automatically transferred to other existing steps within the SSI Application iClaim path, such as providing medical information (using the i3368, OMB No. 0960–0579) and signing a medical release using the i827 (OMB No. 0960–0623). This process will be seamless to the applicant, as the iClaim system will take them from page to page without interruption.
- Once the applicant submits the information online, SSA technicians will review it for completeness and send it to the Disability Determination Services (DDS) to make a disability determination. The DDS can make a decision based on the application materials and evidence the respondent provides; by obtaining medical evidence and/or work history from the applicant; or by scheduling a consultative examination (if needed).
- We will allow applicants filing for themselves and third-party assistors (*i.e.,* respondents acting on behalf of claimants) to use the new iSSI process. (Note: Although iClaim does not allow a third party to electronically sign on behalf of the applicant, the new process will not require the applicant to visit a field office. Rather, SSA will mail a copy of the third party's responses to the DIB and SSI application questions to the applicant, and the applicant may either sign the application and return it via mail, or wait for an SSA employee to call them to give verbal attestation in lieu of a wet signature.)

To which existing SSA ICRs does iSSI relate, and how will it interact with them?

iSSI relates to three existing OMB-approved ICRs: 0960–0618, Application for Social Security Benefits (Specifically the Social Insurance Disability (DIB) SSA–16); 0960–0229 (SSA–8000, Application for Supplemental Security Income); and 0960–0444 (SSA–8001, Application for Supplemental Security Income (Deferred or Abbreviated)). The SSA–16 is fully electronic through the iClaim system, and forms SSA–8000 and SSA–8001 are available as either paper forms or Intranet screens that SSA employees can complete while interviewing applicants.

Recent discussions with third-party helpers and advocates indicate that they regularly complete and mail the paper SSA–8000 on behalf of applicants.

However, that adds an unnecessary burden to responders, as the information is only needed after the medical approval. SSA data shows that approximately 52% of the SSI applications SSA processed were SSA–8000 applications, while the remaining 48% use the SSA–8001. The new online iSSI streamlined application will make it easier for applicants to use the SSA–8001 by allowing more responders to file online, and by paving the way for the future implementation of the new streamlined SSI questions on the other service channels (*i.e.,* in person or phone interviews).

(1) 0960–0618/Social Security Benefits Applications

The Social Security Benefit Applications can be submitted through the online iClaim system. iClaim offers a timesaving and streamlined process by importing some existing information already in SSA's records, and prepopulating answers when applicable as the applicant moves seamlessly from one form to another. As well, iClaim uses dynamic pathing, which ensures claimants are only asked to complete the questions that are relevant to them.

iClaim currently offers a limited Title XVI application to apply for SSI payments. Applicants navigate the SSA website to learn about benefits for which they can apply online. SSA directs them to iClaim to use the current limited SSI application if they meet the requirements listed below:

- Indicate intent to file
- Allege disability and are under the age of 64 and 10 months,
- Are U.S. citizens,
- Have never been married; and
- Have never filed for SSI or named as a parent on a child's SSI record

However, the new SSI Simplification Phase 1 pathway, as described above, will expand to US residents and non U.S. citizens, and add the new streamlined SSI questions to avoid collecting unnecessary information or contacting responders for additional information. The updated iClaim burden figures provided below reflect the inclusion of new SSI claimants who will now be using iSSI to apply:

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden (hours)	Average theoretical cost amount (dollars) *	Average wait time in field office or for teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
SSA–1							
Paper version (SSA–1)	17,604	1	11	3,227	* $31.48		*** $101,586
Interview/Phone MCS	1,679,321	1	10	279,887	* 31.48	** 19	*** 25,551,435
Interview/Office MCS	51,648	1	10	8,608	* 31.48	** 24	*** 921,325
Internet First Party	1,835,958	1	15	458,990	* 31.48		*** 14,449,005
Third party initiated (complete and submit)	81,810	1	15	20,453	* 31.48		*** 643,860
Totals	3,666,341			771,165			*** 41,067,211

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden (hours)	Average theoretical cost amount (dollars) *	Average wait time in field office or for teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
SSA–2							
Paper version (SSA–2)	6,723	1	15	1,681	*31.48		***52,918
Interview/Phone MCS	358,225	1	14	83,586	*31.48	**19	***6,202,316
Interview/Office MCS	8,227	1	14	1,920	*31.48	**24	***164,042
Internet First Party	119,129	1	15	29,782	*31.48		***937,537
Totals	492,304			116,969			***7,356,813
SSA–16							
Paper version (SSA–16)	46,032	1	20	15,344	*31.48		***483,029
Interview/Phone MCS	723,281	1	19	229,039	*31.48	**19	***14,420,295
Interview/Office MCS	10,843	1	19	3,434	*31.48	**24	***244,631
Internet First Party	667,806	1	15	166,952	*31.48		***5,255,649
Internet Third party	561,014	1	15	140,254	*$31.48		***4,415,196
Totals	2,008,976			555,023			***24,818,800
Grand Total							
Totals	6,167,621			1,443,157			***73,242,824

*We based this figure on the average hourly wage for all occupations as reported by the U.S. Bureau of Labor Statistics (*https://www.bls.gov/oes/current/oes_nat.htm*).

**We based this figure on the average FY 2024 wait times for field offices, based on SSA's current management information data.

***This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

(2) 0960–0229/SSA–8000, Application for Supplemental Security Income (SSI)

Form SSA–8000 is the full SSI application. SSA instructs technicians to use the SSA–8000 for initial claim interviews when respondents:

- Have a condition that would likely meet a medical allowance (*e.g.,* terminal illness, presumptive blindness, compassionate allowance (CAL) conditions such leukemia, Lymphoma, etc.,) which allows technicians to simultaneously submit the application for medical evaluation and continue the income and resources development. This process ensures that the medical evaluation is not delayed due to any pending non-medical development;
- File for aged benefits;
- File together with a spouse (*i.e.,* couple cases); or
- Meet the Expeditious Handling criteria (*e.g.,* homeless, pre-release from public instructions, etc.).

It is possible that someone who otherwise would have gone to a field office or called SSA to complete a full SSA–8000 might now complete the new iSSI at the beginning of the process, and would then be called by SSA at a later point to provide the additional required information. iClaim asks these applicants to provide us with their intent to file for SSI (when filing for DIB using iClaim) or contact us to set up an appointment and file with the assistance of a technician. These applicants will also have the option to complete the iSSI pathing in iClaim. This process will continue with the implementation of Phase 1. For individuals who are aged (*i.e.,* age of 64 and 10 months) or married filing for SSI, iClaim will not display the iSSI pathing; rather, the system will indicate that SSA will contact the applicants later to complete their SSI application.

For the individuals who now start off with the iSSI and have a condition that would likely meet a medical allowance, the filed application is flagged as a priority case to expedite the process. SSA technicians will quickly review the application, refer it to the DDS for medical evaluation, and simultaneously develop and secure additional information as needed. However, with the new iSSI, the universe of respondents will expand, and the amount of time needed to complete file their applications will decrease. Projected updated burden figures are reflected below:

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical cost amount (dollars) *	Average wait time in field office or for teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
Intranet CCE or SSI Claims System	674,154	1	35	393,257	*$22.39	**19	*$13,584,886
SSA–8000 (Paper Version)	34,244	1	40	22,829	*22.39	**19	***753,938
Internet SSI (iSSI) converted into CCE intranet full application	1,080	1	20	360	*22.39	**19	***15,718
Total	709,478			416,446			***14,354,542

*We based this figure by averaging both the average DI payments based on SSA's current data (*https://www.ssa.gov/legislation/2024FactSheet.pdf*), and the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_nat.htm*).

**We based this figure on averaging both the average FY 2024 wait times for field offices and teleservice centers, based on SSA's management information data.

***This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

(3) 0960–0444/SSA–8001, Application for Supplemental Security Income (Deferred or Abbreviated)

SSA uses this shortened version of the SSI application to determine an applicant's potential eligibility for SSI, specifically to (1) provide a formal notification when non-medical information the applicant provides results in ineligibility; or (2) defer the complete development of non-medical issues until the DDS approves the medical portion of the disability process.

Specifically, SSA technicians use the SSA–8001 when the filing respondents seem to meet the non-medical eligibility requirements for at least one month and SSA can defer other development until the respondent receives a notice of medical allowance. After the initial interview and upon receiving medical allowance, technicians contact respondents who filed for SSI using the SSA–8001 to develop any deferred issues and update the information about income and resources from the time the respondent filed the application up to the month the respondent received SSA's approval. At that point, SSA technicians use the Intranet version of the SSA–8000 to develop the remaining necessary information (from the perspective of the applicant, through a personal interview).

SSA anticipates that the majority of respondents for the new iSSI would have otherwise completed the SSA–8001. Accordingly, we are revising the burden for the SSA–8001 to reflect this reduction:

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical cost amount (dollars) *	Average wait time in field office or for teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
Intranet CCE or SSI Claims System	426,388	1	28	198,981	* $22.39	** 19	*** $7,478,350
Internet Claim System (iSSI) First party	+ 76,500	1	6	7,650	* 22.39		*** 171,284
Internet Claim System (iSSI) Third party	+ 71,000	1	6	7,100	* 22.39		*** 158,969
SSA–8001 (Paper Version)	38,304	1	28	17,875	* 22.39	** 19	*** 671,812
Total	612,192			231,606			*** 8,480,415

+ We are not double counting the number of respondents in this ICR, as we do not account for the iSSI (iClaim) respondents under 0960–0618, we only account for them here.

* We based this figure by averaging both the average DI payments based on SSA's current data (*https://www.ssa.gov/legislation/2024FactSheet.pdf*), and the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_nat.htm*).

** We based this figure on averaging both the average FY 2024 wait times for field offices and teleservice centers, based on SSA's management information data.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

What will the benefits of iSSI be in comparison to our current processes?

- iSSI will be much *simpler* than the current process for the early stages of the SSI application process. Rather than completing a paper form, calling or visiting a field office to preserve a protective filing date, or assembling significant amounts of information to begin an application, the applicants will now just need to start the online DIB application process and answer the new iSSI basic eligibility questions. Once SSA receives the answers to the questions, we will determine whether further development is needed, and will contact the claimant if necessary.
- iSSI will also be more *convenient and somewhat faster* than the initial stages of the current application process. Primarily, this is because the iClaim system pre-populates information from SSA's records for authenticated applicants that the applicant might otherwise have needed to provide. As well, iSSI will seamlessly move the applicant on to the other next steps described above (*e.g.,* completion of the i3368). Moreover, applicants will save time that might have been required for a field office visit or a phone appointment.
- Finally, iSSI will, for the first time, offer an *electronic option to non-U.S. citizens.* Currently, a non-U.S. citizen is told they will be contacted by an SSA employee to initiate an application. With iSSI, we will be able to utilize citizenship and country information from SSA's records for authenticated applicants.

Tasha Harley,

Acting Reports Clearance Officer, Social Security Administration.

[FR Doc. 2024–19185 Filed 8–26–24; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 12484]

60-Day Notice of Proposed Information Collection: Law Enforcement Officers Safety Act (LEOSA) Photographic Identification Card Application

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to October 28, 2024.

ADDRESSES: Include any address that the public needs to know, such as: attending a public hearing or meeting, examining any material available for public inspection. For public comments, use the following text:

You may submit comments by any of the following methods:

- *Web:* Persons with access to the internet may comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering ''Docket Number: DOS–2024–0027 in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: TaylorJE@state.gov.*
- *Regular Mail:* Send written comments to: DS/DO/DFP/SSD, SA–9 2025 E Street NW, Washington, DC 20522.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection

listed in this notice, including requests for copies of the proposed collection instrument, and supporting documents, to Jason Taylor, SA–9 2025 E Street NW, Washington, DC 20588, who may be reached on 202–472–8801 or at *TaylorJE@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* LEOSA Photographic Identification Card Application.
- *OMB Control Number:* 1405–0245.
- *Type of Request:* Renewal.
- *Originating Office:* Diplomatic Security, Domestic Operations, Security Support Division (DS/DO/DFP/SSD).
- *Form Number:* DS–7809.
- *Respondents:* Current and former Diplomatic Security Service special agents.
- *Estimated Number of Respondents:* 90.
- *Estimated Number of Responses:* 90.
- *Average Time per Response:* 1 hour.
- *Total Estimated Burden Time:* 90 hours.
- *Frequency:* Once per application.
- *Obligation to Respond:* Voluntary.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- 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.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

This information is being collected in response to the Department's requirements under the Law Enforcement Officers Safety Act of 2004 (LEOSA), as amended and codified at 18 U.S.C. 926C, which exempts a ''qualified retired law enforcement officer'' carrying a LEOSA photographic identification card from most state and local laws prohibiting the carriage of concealed firearms, subject to certain restrictions and exceptions.

Methodology

Applicants will fill out the application form either electronically or by hand and submit via email or mail.

K. Andrew Wroblewski,

Deputy Assistant Secretary, Diplomatic Security/Domestic Operations, Department of State.

[FR Doc. 2024–19139 Filed 8–26–24; 8:45 am]

BILLING CODE 4710–43–P

DEPARTMENT OF STATE

[Public Notice:12507]

Designation of Four Entities Contributing to Ballistic Missile Proliferation Pursuant to Executive Order 13382

ACTION: Notice of designation.

SUMMARY: The Department of State is publishing the names of one or more persons that have been placed on the Department of Treasury's List of Specially Designated Nationals and Blocked Persons (SDN List) administered by the Office of Foreign Assets Control (OFAC) based on the Department of State's determination, in consultation with other departments, as appropriate, that one or more applicable legal criteria of the Executive Order (E.O.) regarding blocking property of weapons of mass destruction proliferators and their supporters 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: Thomas Zarzecki, Director, Office of Counterproliferation Initiatives, Bureau of International Security and Nonproliferation, Department of State, Washington, DC 20520, tel.: 202–647–5193; email: *ISN_Sanctions@state.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of Department of State Actions

On April 19, 2024, the Department of State, in consultation with other departments, as appropriate, 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.

Entities

1. **MINSK WHEEL TRACTOR PLANT** (Cyrillic "МИНСКИЙ ЗАВОД КОЛЕСНЫХ ТЯГАЧЕЙ"; a.k.a. "OJSC MZKT" (weak), Cyrillic "ОАО МЗКТ"; a.k.a. "Minsk Wheel Tractor Plant Open Joint Stock Company"; a.k.a. "Minsk Wheeled Tractor Plant"; a.k.a. "Minsk Wheel Tractor Plant JSC"; a.k.a. OTKRYTOE AKTSIONERNOE OBSHCHESTVO MINSKII ZAVOD KOLESNYKH TYAGACHEI; a.k.a. "OJSC MWPT" (weak); a.k.a. "VOLAT" (weak)), Partizanski Ave 150, 220021 Minsk, Belarus; Registration Number 100534485 (Belarus); Target Type State-Owned Enterprise [NPWMD].

   Designated pursuant to section 1(a)(ii) of E.O. 13382 for having engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by Pakistan.

2. **XI'AN LONGDE TECHNOLOGY DEVELOPMENT COMPANY LIMITED**, Building 9, Technology Qiye Jiasuqi Area 2, No. West 6, Caotang Keji Chanye Jidi Qinling A Venue, High-Tech Zone, X'ian Shaanxi, 710075 China; Unified Social Credit Code 91610131742838531E (China); Website http://lontek.cn; Organization Established Date 29 Sep 2003 [NPWMD].

   Designated pursuant to section 1(a)(ii) of E.O. 13382 for having engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of

mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by Pakistan.

3. **GRANPECT CO. LTD**, Room 1701, 17th Floor, Block A, Tsinghua Tongfang Technology Building, No. 1 Wangzhuang Road, Wudaokou, Haidan District, Beijing 100083, China; Unified Social Credit Code 911101087719621018 (China); Registration Number 1101108007999360 (China); Website www.granpect.com; Organization Established Date 02 Mar 2005 [NPWMD].

Designated pursuant to section 1(a)(ii) of E.O. 13382 for having engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by Pakistan.

4. **TIANJIN CREATIVE SOURCE INTERNATIONAL TRADE CO LTD** (a.k.a. "Tianjin Chuangyi Yuan International Commercial Trade Co Ltd."; International "天津创益源国际贸易有限公司" (Chinese Simplified)), R#1401, No 1 Building, Kuangshi International Building, Tianjin Free Trade Zone, Central Business District, Tianjin 3000450, China; Unified Social Credit Code 91120118MA05X7CE1K (China); Organization Established Date 19 Oct 2017 [NPWMD].

Designated pursuant to section 1(a)(ii) of E.O. 13382 for having engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by Pakistan.

Gonzalo O. Suarez,

Deputy Assistant Secretary, Bureau of International Security and Nonproliferation, Department of State.

[FR Doc. 2024–19167 Filed 8–26–24; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF STATE

[Public Notice: 12501]

Notice of Determinations; Culturally Significant Objects Being Imported for Conservation, Storage, and Exhibition—Determinations: ''Man Ray: When Objects Dream'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to an agreement with their foreign owner or custodian for temporary conservation, storage, and display in the exhibition ''Man Ray: When Objects Dream'' at The Metropolitan Museum of Art, New York, New York, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary conservation, storage, and exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Nicole L. Elkon,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2024–19178 Filed 8–26–24; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 12504]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Mapping the Infinite: Cosmologies Across Cultures'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Mapping the Infinite: Cosmologies Across Cultures'' at the Los Angeles County Museum of Art, Los Angeles, California, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Nicole L. Elkon,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2024–19182 Filed 8–26–24; 8:45 am]

BILLING CODE 4710–05–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2024–0014; Dispute Number DS623]

WTO Dispute Settlement Proceeding Regarding United States; Certain Tax Credits Under the Inflation Reduction Act (China)

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and request for comments.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice that China has requested the establishment of a dispute settlement panel under the Marrakesh Agreement Establishing the World Trade Organization (WTO Agreement). USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although USTR will accept any comments during the course of the dispute settlement proceeding, you should submit your comment on or before September 26, 2024 to be assured of timely consideration by USTR.

ADDRESSES: USTR strongly prefers electronic submissions made through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments in Section III below. The docket number is USTR–2024–0014. For alternatives to submission through *regulations.gov,* please contact Sandy McKinzy at *sandy_mckinzy@ustr.eop.gov* or 202.395.9483.

FOR FURTHER INFORMATION CONTACT: Associate General Counsel Erin Rogers at *erogers@ustr.eop.gov,* or 202.395.9126.

SUPPLEMENTARY INFORMATION:

I. Background

Section 127(b)(1) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)) requires notice and opportunity for comment after the United States submits or receives a request for the establishment of a WTO dispute settlement panel. Pursuant to this provision, USTR is providing notice that China has requested the establishment of a dispute settlement panel pursuant to the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes.

II. Major Issues Raised by China

On March 26, 2024, China requested consultations with the United States concerning certain clean energy tax credits in the Inflation Reduction Act, Public Law 117–169 and related implementing guidance. You can find the consultation request at *www.wto.org* in a document designated as WT/DS623/1. The United States and China held consultations on May 7, 2024. On July 15, 2024, China made its request to the WTO to establish a WTO dispute settlement panel. You can find the panel request at *www.wto.org* in a document designated as WT/DS623/3.

China's panel request concerns aspects of five tax credits created or amended by the Inflation Reduction Act, and related implementing guidance issued by the U.S. Department of the Treasury and the Internal Revenue Service, and the U.S. Department of Energy. The five tax credits are: the Clean Vehicle Tax Credit (Internal Revenue Code Sec. 30D); the Investment Tax Credit for Energy Property (Internal Revenue Code Sec. 48); the Clean Electricity Investment Tax Credit (Internal Revenue Code Sec. 48E); the Production Tax Credit for Electricity from Renewables (Internal Revenue Code Sec. 45); and, the Clean Electricity Production Tax Credit (Internal Revenue Code Sec. 45Y). With respect to the Clean Vehicle Tax Credit, China cites the North American assembly requirement, the critical minerals sourcing requirement, the battery components requirement, and the disqualification related to foreign entities of concern. With respect to the remaining tax credits, China cites the domestic content bonus credit requirements. China alleges that these measures are inconsistent with Article III:4 of the WTO General Agreement on Tariffs and Trade 1994 (GATT 1994); Articles 2.1 and 2.2 of the WTO Agreement on Trade-Related Investment Measures; and Articles 3.1(b) and 3.2 of the WTO Agreement on Subsidies and Countervailing Measures. With respect to the Clean Vehicle Tax Credit, China also alleges that the measure is inconsistent with Article I:1 of the GATT 1994.

III. Public Comments: Requirements for Submissions

USTR invites written comments concerning the issues raised in this dispute. All submissions must be in English and sent electronically via *regulations.gov.* To submit comments via *regulations.gov,* enter docket number USTR–2024–0014 on the home page and click 'search.' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting 'notice' under 'document type' and click in the 'refine document results' section on the left side of the screen and click on the link entitled 'comment.' For further information on using *regulations.gov,* please consult the resources provided on the website by clicking on 'How to Use *Regulations.gov*' on the bottom of the home page.

Regulations.gov allows users to provide comments by filling in a 'type comment' field, or by attaching a document using an 'upload file' field. USTR prefers that you provide comments in an attached document. If a document is attached, it is sufficient to type 'see attached' in the 'type comment' field. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the 'type comment' field. If you need assistance uploading your comment(s), please call the *regulations.gov* helpdesk at 1.877.378.5457, Option 2.

For any comments submitted electronically that contain business confidential information (BCI), the file name of the business confidential version should begin with the characters 'BCI'. Any page containing BCI must be clearly marked 'BUSINESS CONFIDENTIAL' on the top and bottom of that page and the submission should clearly indicate, via brackets, highlighting or other means, the specific material that is BCI. If you request business confidential treatment, you must certify in writing that the information would not customarily be released to the public.

Filers of submissions containing BCI also must submit a public version of their comments. The file name of the public version should begin with the character 'P'. The 'BCI' and 'P' should be followed by the name of the person or entity submitting the comments or rebuttal comments. If these procedures are not sufficient to protect BCI or otherwise protect business interests, please contact Sandy McKinzy at *sandy_mckinzy@ustr.eop.gov* or 202.395.9483 to discuss whether alternative arrangements are possible.

USTR may determine that information or advice contained in a comment, other than BCI, is confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If a submitter believes that information or advice is confidential, they must clearly designate the information or advice as confidential and mark it as 'SUBMITTED IN CONFIDENCE' at the top and bottom of the cover page and each succeeding page, and provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a docket on this dispute settlement proceeding, docket number USTR–2024–0014, accessible to the public at *www.regulations.gov.* The public file will include non-confidential public comments USTR receives regarding the dispute. If a dispute settlement panel is convened, or in the event of an appeal from a panel, USTR will make the following documents publicly available at *www.ustr.gov:* the U.S. submissions and any non-confidential summaries of submissions received from other participants in the dispute. If a dispute settlement panel is convened, or in the event of an appeal from a panel, the report of the panel, and, if applicable, the report of the Appellate Body, will be available on the

website of the World Trade Organization, at *www.wto.org.*

Juan Millan,

Acting General Counsel, Office of the United States Trade Representative.

[FR Doc. 2024–19248 Filed 8–26–24; 8:45 am]

BILLING CODE 3390–F4–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2024–2130]

Notice of Intent To Designate as Abandoned Marina Spear Supplemental Type Certificate No. SA4345WE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to designate supplemental type certificate as abandoned; request for comments.

SUMMARY: This notice announces the FAA's intent to designate Marina Spear Supplemental Type Certificate (STC) No. SA4345WE as abandoned and make the related engineering data available upon request. The FAA has received a request to provide engineering data concerning this STC. The FAA has been unsuccessful in contacting Marina Spear concerning the STCs. This action is intended to enhance aviation safety.

DATES: The FAA must receive all comments by February 24, 2025.

ADDRESSES: You may send comments on this notice by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Ed Mills, AIR–771, Federal Aviation Administration, West Certification Branch, 2200 South 216th St., Des Moines, WA 98198.
- *Email: Ed.Mills@faa.gov.* Include ''Docket No. FAA–2024–2130 in the subject line of the message.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ed Mills, Program Manager, AIR–771, Federal Aviation Administration, West Certification Branch, 2200 South 216th St., Des Moines, WA 98198; telephone: 206–231–3515; email: *Ed.Mills@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested parties to provide comments, written data, views, or arguments relating to this notice. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2024–2130 at the beginning of your comments. The FAA will consider all comments received on or before the closing date. All comments received will be available in the docket for examination by interested persons.

Background

The FAA is posting this notice to inform the public that the FAA intends to designate Marina Spear STC No. SA4345WE as abandoned for the installation of cooling louvers in the top cowling on Piper Aircraft, Inc. Model PA–32RT–300T aircraft, and subsequently release the related engineering data.

The FAA has received a third-party request for the release of the aforementioned engineering data under the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. 552. The FAA cannot release commercial or financial information under FOIA without the permission of the data owner. However, in accordance with title 49 of the United States Code 44704(a)(5), the FAA can provide STC ''engineering data'' it possesses for STC maintenance or improvement, upon request, if the following conditions are met:

1. The FAA determines the STC has been inactive for 3 years or more;
2. Using due diligence, the FAA is unable to locate the owner of record or the owner of record's heir; and
3. The availability of such data will enhance aviation safety.

There has been no activity on this STC for more than 3 years.

On May 29, 2021, the FAA sent a registered letter to Marina Spear at its last known address: 875 Rio Virgin Drive #235, St. George, UT 84770. The letter informed Marina Spear that the FAA had received a request for engineering data related to STC No. SA4345WE and was conducting a due diligence search to determine whether the STC was inactive and may be considered abandoned. The letter further requested that the company respond in writing within 60 days and state whether it is the holder of the STC. The FAA also attempted to make contact with Marina Spear by other means, including telephone communication and internet searches, without success.

Information Requested

If you are the owner or heir or a transferee of STC No. SA4345WE or have any knowledge regarding who may now hold STC No. SA4345WE, please contact Ed Mills using a method described in this notice under **FOR FURTHER INFORMATION CONTACT**. If you are the heir of the owner, or the owner by transfer, of STC No. SA4345WE, you must provide a notarized copy of your government-issued identification with a letter and background establishing your ownership of the STC and, if applicable, your relationship as the heir to the deceased holder of the STC.

Conclusion

If the FAA does not receive any response by February 24, 2025, the FAA will consider STC No. SA4345WE abandoned, and the FAA will proceed with the release of the requested data. This action is for the purpose of maintaining the airworthiness of an aircraft and enhancing aviation safety.

Issued on August 21, 2024.

Steven W. Thompson,

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

[FR Doc. 2024–19143 Filed 8–26–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Membership in the National Parks Overflight Advisory Group (NPOAG)

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of selection to the National Parks Overflight Advisory Group.

SUMMARY: By **Federal Register** notice on June 26, 2024, the Federal Aviation Administration (FAA) and the National Park Service (NPS), invited interested persons to apply to fill one current and one upcoming vacancy on the National Parks Overflights Advisory Group (NPOAG). This notice informs the public of the selections made for the one current vacancy representing Native American tribes and one upcoming vacancy representing commercial air tour operators.

FOR FURTHER INFORMATION CONTACT: Sheri G. Lares, Environmental Protection Specialist, telephone: (202) 267–8693, email: *sheri.lares@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The National Parks Air Tour Management Act of 2000 (the Act) was enacted on April 5, 2000, as Public Law 106–181, and subsequently amended in the FAA Modernization and Reform Act

of 2012. The Act required the establishment of the NPOAG within one year after its enactment. The NPOAG was established in March 2001. The NPOAG is comprised of a balanced group of representatives of general aviation, commercial air tour operators, environmental concerns, and Native American tribes. The Administrator of the FAA and the Director of NPS (or their designees) serve as ex officio members of the NPOAG. Representatives of the Administrator and Director serve alternating 1-year terms as chairperson of the NPOAG.

In accordance with the Act, the NPOAG provides ''advice, information, and recommendations to the Administrator and the Director—

1. On implementation of this title [the Act] and the amendments made by this title;

2. On commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, which will receive preferential treatment in a given air tour management plan;

3. On other measures that might be taken to accommodate the interests of visitors to national parks; and

4. At the request of the Administrator and the Director, on safety, environmental, and other issues related to commercial air tour operations over national parks or tribal lands.''

Membership

The current NPOAG is made up of one member representing general aviation, three members representing commercial air tour operators, four members representing environmental concerns, and two members representing Native American tribes. Members serve three-year terms. Current members of the NPOAG are as follows: Murray Huling representing general aviation; James Viola, John Becker, and one vacancy representing commercial air tour operators; Robert Randall, Dick Hingson, Les Blomberg, and John Eastman representing environmental interests; Carl Slater and one vacancy representing Native American tribes.

Selection

Dyan Youpee of the Fort Peck Assiniboine & Sioux Tribes and Eric Hamp of Blue Hawaiian Helicopters have been selected to fill the two vacancies for Native American tribes and commercial air tour operators, respectively. The three-year term will commence on the publication date of this **Federal Register** notice.

Issued in Washington, DC, on August 22, 2024.

Sandra Fox,

Environmental Protection Specialist, Office of Environment and Energy.

[FR Doc. 2024–19195 Filed 8–26–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2020–1158]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: License Requirements for Operation of a Launch Site

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on January 26, 2024. The information to be collected includes data required for performing launch site location analysis. The launch site license is valid for a period of 5 years. Respondents are licensees authorized to operate sites.

DATES: Written comments should be submitted by September 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.

FOR FURTHER INFORMATION CONTACT: Charles Huet by email at: *charles.huet@faa.gov;* phone: 202–267–7427

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0644.

Title: License Requirements for Operation of a Launch Site.

Form Numbers: None.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on January 26, 2024 (89 FR 5295). The data requested for a license application to operate a commercial launch site are required by 49 U.S.C. Subtitle IX, 701—Commercial Space Launch Activities, 49 U.S.C. 70101–70119 (1994). The information is needed in order to demonstrate to the FAA Office of Commercial Space Transportation (FAA/AST) that the proposed activity meets applicable public safety, national security, and foreign policy interest of the United States.

Respondents: Approximately 2 applicants.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 2322 hours.

Estimated Total Annual Burden: 4,644 hours.

James Hatt,

Space Policy Division Manager, Commercial Space Transportation.

[FR Doc. 2024–19197 Filed 8–26–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2010–0029]

Amtrak's Request To Amend Its Positive Train Control System

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that, on August 15, 2024, the National Railroad Passenger Corporation (Amtrak) submitted a request for amendment (RFA) to its FRA-certified positive train control (PTC) system, the Advanced Civil Speed Enforcement System II (ACSES II). FRA is publishing this notice and inviting public comment on the railroad's RFA to its PTC system.

DATES: FRA will consider comments received by September 16, 2024. FRA may consider comments received after

that date to the extent practicable and without delaying implementation of valuable or necessary modifications to a PTC system.

ADDRESSES:

Comments: Comments may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and the applicable docket number. The relevant PTC docket number for this host railroad is Docket No. FRA–2010–0029. For convenience, all active PTC dockets are hyperlinked on FRA's website at *https://railroads.dot.gov/research-development/program-areas/train-control/ptc/railroads-ptc-dockets*. All comments received will be posted without change to *https://www.regulations.gov*; this includes any personal information.

FOR FURTHER INFORMATION CONTACT: Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816–516–7168, email: *Gabe.Neal@dot.gov*.

SUPPLEMENTARY INFORMATION: In general, Title 49 United States Code (U.S.C.) section 20157(h) requires FRA to certify that a host railroad's PTC system complies with Title 49 Code of Federal Regulations (CFR) part 236, subpart I, before the technology may be operated in revenue service. Before making certain changes to an FRA-certified PTC system or the associated FRA-approved PTC Safety Plan (PTCSP), a host railroad must submit, and obtain FRA's approval of, an RFA to its PTC system or PTCSP under 49 CFR 236.1021.

Under 49 CFR 236.1021(e), FRA's regulations provide that FRA will publish a notice in the **Federal Register** and invite public comment in accordance with 49 CFR part 211, if an RFA includes a request for approval of a material modification of a signal or train control system. Accordingly, this notice informs the public that, on August 15, 2024, Amtrak submitted an RFA to its ACSES II PTC system, which seeks FRA's approval of a temporary outage of ACSES II to support the addition of the Leggett Interlocking on the NYS line, Harold to Control Point 216. That RFA is available in Docket No. FRA–2010–0029.

Interested parties are invited to comment on Amtrak's RFA by submitting written comments or data. During FRA's review of this railroad's RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to a PTC system. *See* 49 CFR 236.1021; *see also* 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny a railroad's RFA at FRA's sole discretion.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to *https://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy*. See *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov*. To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

Carolyn R. Hayward-Williams,

Director, Office of Railroad Systems and Technology.

[FR Doc. 2024–19190 Filed 8–26–24; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2023–0038]

Supplemental Initial Decision That Certain Frontal Driver and Passenger Air Bag Inflators Manufactured by ARC Automotive Inc. and Delphi Automotive Systems LLC, and Vehicles in Which Those Inflators Were Installed, Contain a Safety Defect

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Extension of deadline for written submissions.

SUMMARY: On August 7, 2024, NHTSA received a request to extend the period during which manufacturers and any interested person may submit written information in response to the agency's Supplemental Initial Decision published in the **Federal Register** on August 5, 2024. The original written submission deadline was September 4, 2024. NHTSA is extending the deadline to October 4, 2024.

DATES: The written submission deadline related to the Supplemental Initial Decision published on August 5, 2024, at 89 FR 63473, is extended to October 4, 2024.

ADDRESSES: You may submit written submissions to the docket number identified in the heading of this document by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

Instructions: All submissions must include the agency name and docket number. Note that all written submissions received will be posted without change to *https://www.regulations.gov,* including any personal information provided. Please see the Privacy Act discussion below. We will consider all written submissions received before the close of business on Friday, October 4, 2024.

Docket: For access to the docket to read background documents or written submissions received, go to *https://www.regulations.gov* at any time or to 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. Telephone: (202) 366–9826.

Privacy Act: In accordance with 49 U.S.C. 30118(b)(1), NHTSA will make a final decision only after providing an opportunity for manufacturers and any interested person to present information, views, and arguments. DOT posts written submissions submitted by manufacturers and interested persons, without edit, including any personal information the submitter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 Federal Docket Management System (FDMS)), which can be reviewed at *www.transportation.gov/privacy.*

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, you must submit your request directly to NHTSA's Office of the Chief Counsel. Requests for confidentiality are

governed by 49 CFR part 512. NHTSA is currently treating electronic submission as an acceptable method for submitting confidential business information (CBI) to the agency under part 512. If you would like to submit a request for confidential treatment, you may email your submission to Allison Hendrickson in the Office of the Chief Counsel at *Allison.Hendrickson@dot.gov* or you may contact her for a secure file transfer link. At this time, you should not send a duplicate hardcopy of your electronic CBI submissions to DOT headquarters. If you claim that any of the information or documents provided to the agency constitute confidential business information within the meaning of 5 U.S.C. 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. 1905, you must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with part 512, to the Office of the Chief Counsel. Your request must include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR 512.8) and a certificate, pursuant to § 512.4(b) and part 512, appendix A. In addition, you should submit a copy, from which you have redacted the claimed confidential business information, to the Docket at the address given above.

FOR FURTHER INFORMATION CONTACT: Allison Hendrickson, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; (202) 366–2992.

SUPPLEMENTARY INFORMATION: On July 31, 2024, NHTSA issued a Supplemental Initial Decision That Certain Frontal Driver and Passenger Air Bag Inflators Manufactured by ARC Automotive Inc. and Delphi Automotive Systems LLC, and Vehicles in Which Those Inflators Were Installed, Contain a Safety Defect pursuant to 49 U.S.C. 30118(a) and 49 CFR 554.10. 89 FR 63473 (Aug. 5, 2024). More specifically, NHTSA confirmed its initial decision of September 5, 2023, at 88 FR 62140, that certain air bag inflators manufactured by ARC Automotive Inc. (ARC) and Delphi Automotive Systems LLC (Delphi) may rupture when the vehicle's air bag is commanded to deploy, causing metal debris to be forcefully ejected into the passenger compartment of the vehicle, and that these rupturing air bag inflators pose an unreasonable risk of serious injury or death to vehicle occupants. In accordance with 49 U.S.C. 30118(b)(1) and 49 CFR 554.10(c)(4), the Supplemental Initial Decision provided manufacturers and any interested person an opportunity to present information, views, and arguments in response to the Supplemental Initial Decision by submitting written information to the Agency. The deadline for written submissions in response to the Supplemental Initial Decision was September 4, 2024.

Written Submission Deadline Extension Request

On August 7, 2024, NHTSA received a request from counsel representing certain unspecified motor vehicle and motor vehicle equipment manufacturers asking NHTSA to extend the period for written submissions by 30 days. The request claimed that, to meaningfully respond, the manufacturers needed more time to adequately review the Supplemental Initial Decision and related materials and prepare their analyses. A copy of the extension request and NHTSA's response will be added to the public docket.

Extension of Written Submission Deadline

After consideration of the request, NHTSA has granted the requested 30-day extension of the deadline to provide written submissions. The prior deadline of September 4, 2024 has been extended, and written submissions from any interested person are now due before the close of business on October 4, 2024.

Authority: 49 U.S.C. 30118(a), (b); 49 CFR 554.10; delegations of authority at 49 CFR 1.50(a) and 49 CFR 501.8.

Eileen Sullivan,

Associate Administrator for Enforcement.

[FR Doc. 2024–19232 Filed 8–26–24; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Internal Revenue Service (IRS) Information Collection Requests

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before September 26, 2024 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Melody Braswell by emailing *PRA@treasury.gov,* calling (202) 622–1035, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

1. *Title:* Form 3115, Application for Change in Accounting Method.

OMB Number: 1545–2070.

Form Number: Form 3115.

Abstract: Internal Revenue Code (IRC) section 446(e) provides that a taxpaying entity that changes its method of accounting for computing taxable income must first secure the consent of the Secretary. The taxpayer uses Form 3115 to obtain this consent.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Estates, trusts, and not-for-profit institutions.

Estimated Number of Responses: 183.

Estimated Time per Respondent: 99.99 hours.

Estimated Total Annual Burden Hours: 18,298.

2. *Title:* Health Insurance Marketplace Statement.

OMB Number: 1545–2232.

Form Number: Form 1095–A.

Abstract: The IRS developed Form 1095–A under the authority of ICR section 36B(f)(3) for individuals to compute the amount of premium tax credit to which they are entitled under the Patient Protection and Affordable Care Act, Public Law 111–148, as amended, and file an accurate tax return. Marketplaces also must report certain information monthly to the IRS about individuals who receive from the Marketplace a certificate of exemption from the individual shared responsibility provision.

Current Actions: There is no change to this existing collection.

Type of Review: Extension of a currently approved collection.

Affected Public: State, local, or tribal government.

Estimated Number of Respondents: 3,250,000.

Estimated Time per Respondent: 20 seconds.

Estimated Total Annual Burden Hours: 16,250.

3. *Title:* Information Reporting by Applicable Large Employers on Health Insurance Coverage Offered Under Employer-Sponsored Plans.

OMB Number: 1545–2251.

Form Number: Forms 1099–C, 1095–C, and 4423.

Abstract: Applicable Large Employer Members (ALE Members) use Forms 1094–C and 1095–C to report the information required under Internal Revenue Code sections 6055 and 6056 regarding offers of health coverage and enrollment in health coverage for their full-time employees.

Form 4423 is used when a company is a foreign filer that does not have an Employer Identification Number (EIN) and cannot use the electronic application process to apply for an Affordable Care Act Transmitter Control Code.

Current Actions: There is no change to the existing collection. However, the estimated number of responses was updated based on current filing data.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, Business or other for-profit, and not-for-profit entities.

Estimated Number of Responses: 123,234,664.

Estimated Time per Respondent: 4 hours for Form 1094–C, 12 minutes for Form 1095–C, 20 minutes for Form 4423.

Estimated Total Annual Burden Hours: 26,890,001.

Authority: 44 U.S.C. 3501 *et seq.*

Melody Braswell,

Treasury PRA Clearance Officer.

[FR Doc. 2024–19246 Filed 8–26–24; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Special Medical Advisory Group, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. ch. 10, that the Special Medical Advisory Group (the Committee) will meet on September 25–26, 2024, at the Palo Alto VA Medical Center (Celebration Room), 3801 Miranda Avenue, in Palo Alto, CA. The September meeting sessions will begin and end as follows:

Date	Time	Open session
September 25, 2024	8:30 a.m.–4:00 p.m. Pacific Time (PT)	Yes.
September 26, 2024	8:00 a.m.–9:30 a.m. PT	Yes.

Members of the Committee may join in person or virtually. The meeting is open to the public. The public is encouraged to attend virtually due to seating limitations in the physical meeting space.

The meeting can be joined by phone at 404–397–1596 (Access code: 28225920144) and via Webex at: *https://veteransaffairs.webex.com/wbxmjs/joinservice/sites/veteransaffairs/meeting/download/3777e040e97e4d9fbf178572395a9611?siteurl=veteransaffairs&MTID=mbfe409f4d3327b0560086f2af98f0825.* Please contact the point of contact below for assistance connecting.

The purpose of the Committee is to advise the Secretary of Veterans Affairs and the Under Secretary for Health on the care and treatment of Veterans, and other matters pertinent to the Veterans Health Administration.

On September 25–26, 2024, the agenda for the meeting will include discussions on strategies for increasing access, community care program, challenges to growth, digital health overview, tele-urgent and emergent care, artificial intelligence, efforts to reduce administrative burdens for providers, nursing infrastructure, electronic health record management deployment and behavioral and mental health care, and strategy for long-COVID management.

Members of the public may submit written statements in advance for review by the Committee to: Department of Veterans Affairs, Special Medical Advisory Group—Office of Under Secretary for Health (10), Veterans Health Administration, 810 Vermont Ave. NW, Washington, DC 20420 or by email at: *VASMAGDFO@va.gov.* Comments will be accepted until close of business on Thursday, September 19, 2024. The meeting will also include time reserved for live public comment at the end of the meeting on September 26, 2024. The public comment period will be 30 minutes and each individual commenter will be afforded a maximum of five minutes to express their comments.

Any member of the public wishing to attend the meeting or seeking additional information should email *VASMAGDFO@va.gov* or call 202–461–7000.

Dated: August 21, 2024.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2024–19160 Filed 8–26–24; 8:45 am]

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Part II

Department of Transportation

Federal Aviation Administration

14 CFR Part 25
System Safety Assessments; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No.: FAA–2022–1544; Amdt. No. 25–152]

RIN 2120–AJ99

System Safety Assessments

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is amending certain airworthiness regulations to standardize the criteria for conducting safety assessments for systems, including flight controls and powerplants, installed on transport category airplanes. With this action, the FAA seeks to reduce risk associated with airplane accidents and incidents that have occurred in service, and reduce risk associated with new technology in flight control systems. The intended effect of this rulemaking is to improve aviation safety by making system safety assessment (SSA) certification requirements more comprehensive and consistent.

DATES: Effective September 26, 2024.

ADDRESSES: For information on where to obtain copies of rulemaking documents and other information related to this final rule, see ''How to Obtain Additional Information'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Todd Martin, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, WA 98198; telephone and fax (206) 231–3210; email *Todd.Martin@faa.gov.*

SUPPLEMENTARY INFORMATION:

I. Authority for This Rulemaking

The FAA's authority to issue rules on 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 FAA's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General Requirements.'' Under that section, the FAA is charged with promoting safe flight of civil aircraft in air commerce by prescribing regulations and minimum standards for the design and performance of aircraft that the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority. It prescribes new safety standards for the design and operation of transport category airplanes.

II. Acronyms Frequently Used in This Document

TABLE 1—ACRONYMS FREQUENTLY USED IN THIS DOCUMENT

Acronym	Definition
AC	Advisory Circular.
AD	Airworthiness Directive.
AFM	Airplane Flight Manual.
ALS	Airworthiness Limitations section.
ARAC	Aviation Rulemaking Advisory Committee.
ASAWG	Airplane Level Safety Analysis Working Group.
CAST	Commercial Aviation Safety Team.
CMR	Certification Maintenance Requirement.
CS–25	Certification Specifications for Large Aeroplanes (issued by EASA).
CSL+1	Catastrophic Single Latent Failure Plus One (a failure condition).
EASA	European Union Aviation Safety Agency.
ELOS	Equivalent Level of Safety.
EWIS	Electrical Wiring Interconnection System.
FCHWG	Flight Controls Harmonization Working Group.
FTHWG	Flight Test Harmonization Working Group.
ICA	Instructions for Continued Airworthiness.
LDHWG	Loads and Dynamics Harmonization Working Group.
NTSB	National Transportation Safety Board.
PPIHWG	Powerplant Installation Harmonization Working Group.
SDAHWG	System Design and Analysis Harmonization Working Group.
SLF	Significant Latent Failure.
SSA	System Safety Assessment.

Table of Contents

III. Overview of Final Rule

The FAA is amending regulations in title 14, Code of Federal Regulations (14 CFR) part 25 (Airworthiness Standards: Transport Category Airplanes) related to the safety assessment [1] of airplane systems. The changes to part 25 affect applicants for type certification and operators of transport category airplanes. Applicants for type certification will be required to conduct their SSAs in accordance with the revised regulations. Changes to the Instructions for Continued Airworthiness (ICA) affect operators of newly certified airplanes, although the impact on those operators is not significant.

The FAA is revising and adding new safety standards to reduce the likelihood of potentially catastrophic risks due to latent failures in critical systems.

Because modern aircraft systems (for example, avionics and fly-by-wire systems) are much more integrated than they were when the current safety criteria in § 25.1309 and other system safety assessment rules were established in 1970,[2] the new standards are more consistent for all systems of the airplane, reducing the chance of a hazard falling into a gap between the different regulatory requirements for different systems.

Consistent criteria for conducting SSAs also provides predictability for applicants by reducing the number of issue papers and special conditions necessary for airplane certification projects.[3]

Specifically, this final rule—

- Requires that applicants limit the likelihood of a catastrophic failure condition that results from a combination of two failures, either of which could be latent for more than one flight. See § 25.1309(b)(5).
- Revises safety assessment regulations to eliminate ambiguity in, and provide consistency between, the safety assessments that applicants must conduct for different types of airplane systems. Section 25.1309 continues to contain the safety assessment criteria applicable to most airplane systems. Section 25.901(c) (powerplant installations) is amended to remove general system safety criteria. Instead, the powerplant installations covered in this section are required to comply with § 25.1309 (system safety criteria). Section 25.933(a) (thrust reversing systems) allows compliance with § 25.1309 as an option. Sections 25.671, 25.901, and 25.933 continue to contain criteria specific to flight control systems, powerplant installations, and thrust reversing systems, respectively, that are not addressed by § 25.1309.
- Requires applicants to assess and account for any effect that the failure of a system could have on the structural performance of the airplane. See § 25.302.
- Defines the different types of failure of flight control systems, including jams, and defines the criteria for safety assessment of those types of failures. See § 25.671.
- Requires applicants to include, in the Airworthiness Limitations Section (ALS) of the airplane's ICA, necessary maintenance tasks that applicants identify during their SSAs. See § 25.1309(e).
- Removes the ''function properly when installed'' criterion in § 25.1301(a)(4) for installed equipment whose function is not needed for safe operation of the airplane.

IV. Background

A. Statement of the Problem

This action is necessary because airplane accidents, incidents, and service difficulties have occurred as a result of failures in airplane systems. Some of these occurrences were caused, in part, by insufficient design standards for controlling the risk of latent failures, which are failures that are not detected or annunciated when they occur. Current FAA regulations do not prevent the certification of an airplane with a latent failure that, when combined with another failure, could cause a hazardous or catastrophic accident.

Also, current regulations do not require establishment of mandatory inspections for significant latent failures (SLFs) that may pose a risk in maintaining the airworthiness of the airplane design. Such inspections are currently undertaken as industry practice and may be necessary to reduce exposure to these latent failures so airplanes continue to meet safety standards while in service.

Additionally, current regulations do not adequately address new technology in flight control systems and the effects these systems can have on controllability and structural capability. These issues are currently addressed by special conditions and equivalent level of safety (ELOS) findings.

This action is also necessary to address flight control systems whose failure can affect the loads imposed on the airplane structure.

Lastly, certain system safety requirements have not been standardized across airplane systems. These regulations have specified different safety assessment criteria for different systems, which can lead to inconsistent standards across the airplane. Also, when systems that traditionally have been separate become integrated using new technology, applicants have expressed uncertainty regarding which standard to apply.

The FAA is addressing these issues by revising the system safety assessment requirements in part 25.

B. Related Actions

1. Aviation Rulemaking Advisory Committee (ARAC) Recommendations

Advances in flight controls technology, increased airplane system integration, and certain incidents, accidents, and service difficulties related to system failures prompted the FAA to task the ARAC with developing recommendations for new or revised requirements and compliance methods related to the safety assessment of airplane and powerplant systems. The ARAC accepted tasks on various airplane systems issues and assigned them to the Powerplant Installation Harmonization Working Group (PPIHWG),[4] Flight Controls Harmonization Working Group (FCHWG),[5] Loads and Dynamics Harmonization Working Group (LDHWG),[6] and System Design and Analysis Harmonization Working Group (SDAHWG).[7] The FAA also tasked the ARAC to make recommendations for harmonizing the relevant part 25 rules with the corresponding European certification specifications for large airplanes.[8] The ARAC accepted this task

[1] A system safety assessment is a structured process intended to systematically identify the risks pertinent to the design of aircraft systems, and to show that the systems meet safety requirements.

[2] 35 FR 5665 (Apr. 8, 1970).

[3] As discussed in the preamble, special conditions are rules of particular applicability that the FAA issues to address novel or unusual design features. See 14 CFR 21.16.

[4] 57 FR 58844 (Dec. 11, 1992).

[5] 63 FR 45554 (Aug. 26, 1998).

[6] 59 FR 30081 (Jun. 10, 1994).

[7] 61 FR 26246 (May 24, 1996).

[8] As the FAA noted in the **Federal Register** in 1993: ''The FAA announced at the Joint Aviation Authorities (JAA)-Federal Aviation Administration (FAA) Harmonization Conference in Toronto, Ontario, Canada, (June 2–5, 1992) that it would consolidate within the Aviation Rulemaking Advisory Committee structure an ongoing objective to ''harmonize'' the Joint Aviation Requirements (JAR) and the Federal Aviation Regulations (FAR). Coincident with that announcement, the FAA assigned to the ARAC those projects related to JAR/FAR 25, 33 and 35 harmonization which were then in the process of being coordinated between the JAA and the FAA.'' 58 FR 13819, 13820 (Mar. 15, 1993).

and assigned it to the relevant working groups.

Although the working groups each addressed the subject of managing latent failures in safety critical systems, their recommendations were not consistent when defining the criteria for latent failures. After reviewing the relevant regulations and the recommendations from the working groups, the FAA, along with the European, Canadian, and Brazilian civil aviation authorities, identified a need to standardize SSA criteria.

Therefore, in 2006, the FAA tasked the ARAC, which assigned the task to the Airplane-Level Safety Assessment Working Group (ASAWG),[9] with creating consistent SSA criteria. The ASAWG completed its work in May 2010 and recommended a set of consistent requirements that would apply to all systems. Specific areas addressed in the recommendation report include latent failures, aging and wear, Master Minimum Equipment Lists, and flight and diversion time. The ASAWG recommended that the general system safety criteria for all airplane systems be governed by § 25.1309, and recommended adjustments to the regulations and advisory material addressed by the working groups mentioned previously, to implement consistent system safety criteria. All ARAC working group recommendation reports are available in the docket for this final rule.

2. Harmonization With European Union Aviation Safety Agency (EASA) Certification Standards

EASA certification standards for large airplanes (CS–25) prescribes the airworthiness standards corresponding to 14 CFR part 25 for transport category airplanes certified by the European Union. Applicants for FAA type certification of transport category airplanes may also seek EASA validation of the FAA's type certificate. Where part 25 and CS–25 differ, an applicant must meet both airworthiness standards to obtain a U.S. type certificate and validation of the type certificate by foreign authorities, or obtain exemptions, equivalent level of safety findings or special conditions, or the foreign authority's equivalent to those, as necessary to meet one standard in lieu of the other. Where FAA and EASA can maintain harmonized requirements, applicants for type certification benefit by having a single set of requirements with which they must show compliance, thereby reducing the cost and complexity of certification and ensuring a consistent level of safety.

EASA incorporated the SDAHWG-recommended changes to CS/§§ 25.1301 and 25.1309, and associated guidance, in its initial issuance of CS–25 on October 17, 2003.[10] EASA incorporated the criteria regarding interaction of systems and structures recommended by the LDHWG into its regulatory framework as CS 25.302 and appendix K of CS–25 at amendment 25/1 on December 12, 2005.[11] EASA incorporated the PPIHWG-recommended changes to CS/§§ 25.901(c) and 25.933(a)(1), and associated guidance, at amendment 25/1. EASA incorporated the ASAWG-recommended regulatory and advisory material implementing consistent SSA criteria, at amendment 25/24 to CS–25, on January 10, 2020.[12] This final rule harmonizes FAA requirements with those of EASA to the extent possible, with differences described in the section entitled ''Discussion of Comments and the Final Rule.''

C. NTSB Recommendations

This final rule addresses National Transportation Safety Board (NTSB) Safety Recommendations A–99–22, A–99–23,[13] A–02–51,[14] and A–14–119.[15]

In Safety Recommendation A–99–22, the NTSB recommends that the FAA ensure that future transport category airplanes provide a reliably redundant rudder actuation system. In Safety Recommendation A–99–23, the NTSB recommends that the FAA require type certificate applicants to show that transport category airplanes are capable of continued safe flight and landing after jamming of a flight control at any deflection possible, up to and including its full deflection, unless the applicant shows that such a jam is extremely improbable. The final rule addresses these recommendations by revising § 25.671(c).

In Safety Recommendation A–02–51, the NTSB recommends that the FAA review and revise airplane certification regulations, and associated guidance, applicable to the certification of transport category airplanes, to ensure that applicants fully address wear-related failures so that, to the maximum extent possible, such failures will not be catastrophic. The requirement to include certification maintenance requirements (CMRs) in the ALS responds to this safety recommendation, as well as the ACs accompanying this final rule that contain guidance on assessing wear-related failures as part of the SSA.

In Safety Recommendation A–14–119, the NTSB recommends that the FAA provide its certification engineers with written guidance and training to ensure that assumptions, data sources, and analytical techniques are fully identified and justified in applicants' safety assessments for designs incorporating new technology. Additionally, the NTSB recommends that an appropriate level of conservatism be included in the analysis or design, consistent with the intent of the draft guidance material that the SDAHWG recommended. AC 25.1309–1B, accompanying this final rule, contains the guidance.[16]

D. Summary of the NPRM

The FAA issued an NPRM on December 8, 2022 (87 FR 75424), that proposed amending certain airworthiness regulations. These regulations concern safety assessments for systems, including flight controls and powerplants, installed on transport category airplanes. The NPRM explained how the proposed regulations would reduce risk associated with airplane accidents and incidents that have occurred in service, and reduce risk associated with new technology in flight control systems. This action finalizes the proposal with changes made to address comments.

E. General Overview of Comments

V. Discussion of Comments and the Final Rule

Harmonization

The NPRM explained that the FAA's proposed rule would harmonize with the requirements of EASA to the extent possible, although there were differences in the requirements and language of the FAA's proposed regulations compared to EASA's corresponding regulations in CS–25. Almost all organizational commenters requested the FAA revise the proposed rule to harmonize more closely with EASA CS–25. These commenters expressed concern that differences between the FAA's proposal and

[9] 71 FR 14284 (Mar. 21, 2006).

[10] *www.easa.europa.eu/en/downloads/1516/en.*

[11] *www.easa.europa.eu/en/document-library/certification-specifications/cs-25-amendment-1.*

[12] *www.easa.europa.eu/en/downloads/108354/en.*

[13] NTSB Safety Recommendations A–99–22 and A–99–23 are available in the docket and at *www.ntsb.gov/safety/safety-recs/recletters/A99_20_29.pdf.*

[14] NTSB Safety Recommendation A–02–51 is available in the docket and at *www.ntsb.gov/safety/safety-recs/recletters/A02_36_51.pdf.*

[15] NTSB Safety Recommendation A–14–119 is available in the docket and *www.ntsb.gov/safety/safety-recs/recletters/A-14-113-127.pdf.*

[16] This advisory circular, and the other advisory circulars that accompany this final rule, are in the docket.

EASA's existing regulations would burden applicants requesting validation of a type certificate issued by another civil aviation authority because the applicants would have to meet two sets of requirements and show multiple means of compliance for certification of the same design. As discussed below, the FAA decided to address this concern by increasing harmonization of its final rule with the corresponding EASA CS–25 requirements.

The FAA acknowledges that there are some remaining differences between the FAA's and EASA's regulations on this topic. The majority of differences between the final rule and the corresponding CS–25 regulations are differences in wording or structure that were made to satisfy FAA rulemaking constraints or improve the final rule language due to requests from commenters. Although a few differences may be significant standards differences,[17] as subsequently explained, the FAA does not expect these differences to increase the cost and complexity of certification for applicants pursuing validation nor result in a different level of safety between authorities.

In addition, the commenters addressed the draft ACs that accompanied the NPRM. The FAA's responses to these comments can be found at the Dynamic Regulatory System (*drs.faa.gov*), along with the finalized ACs.

A. Section 25.4, Definitions

In the NPRM, the FAA proposed new § 25.4 to define certain terms that the FAA is using in these revised regulations for system safety assessment of transport category airplanes.

1. Add Definitions

Boeing and GAMA/AIA requested the FAA add definitions of several terms to § 25.4, including ''continued safe flight and landing,'' ''flightcrew,'' ''cabin crew,'' ''ground crew,'' ''maintenance personnel,'' ''exposure time,'' ''safety requirements'' and ''candidate CMR.'' GAMA/AIA requested the FAA explain why some terms, but not others, were defined in proposed § 25.4.

The FAA does not agree to add new terms to § 25.4 in this final rule. The FAA's intent in adding § 25.4 is to define key terms that are new to part 25 rule text and used in the regulations that are part of this rulemaking (*e.g.,* failure condition categories and probabilities). AC 25.671–1, Control Systems—General, and AC 25.1309–1B, System Design and Analysis, include additional definitions for terms related to the requirements of §§ 25.671 and 25.1309.

Boeing, GAMA/AIA, and Gulfstream suggested that the FAA add definitions for terms commonly used throughout part 25 regulations (*e.g.,* ''impractical,'' ''essential'' and ''critical''). The FAA declines to define additional terms used in part 25, because the FAA does not intend § 25.4 to include every term that is repeated in part 25.

2. Remove Definitions

ANAC, Bombardier, and Garmin requested the FAA not adopt proposed § 25.4, Definitions. ANAC preferred that the FAA define these terms in 14 CFR part 1, Definitions and Abbreviations, while Bombardier and Garmin preferred that the FAA define these terms in guidance so that they can be more easily changed as needed. Gulfstream also noted that several terms that the FAA proposed to be included in § 25.4 are not extensively used in part 25 and should be relocated to AC 25.1309–1B.

The FAA does not agree to omit new § 25.4 from the final rule. Section 25.4 is necessary to define key terms and concepts that are new to part 25 rule text and part of this rulemaking. AC 25.1309–1B provides further information on these terms.

Gulfstream requested that the FAA move ''hazardous failure condition'' to AC 25.1309, unless the definition is applicable to ''hazardous'' across all regulations.

The FAA does not agree to move this definition to the AC. The definition for ''hazardous failure condition'' in § 25.4(b)(2) only applies to the part 25 regulations in which that exact phrase is used, and it does not apply to the terms ''hazard'' or ''hazardous,'' which are used throughout part 25 in different contexts. The FAA's use of ''hazardous'' across other part 25 rules does not necessarily imply a hazardous effect on the aircraft, flightcrew, or occupants. While not relevant to the Gulfstream comment, the FAA notes a similar situation exists with the term ''extremely remote.'' The § 25.4(c)(3) definition of ''extremely remote failure condition'' does not apply to the term ''extremely remote'' as used in § 25.933 or § 25.937. When those regulations were published, the term ''extremely remote'' meant ''extremely improbable,'' as used today.[18]

3. Revise Definitions

TCCA commented that the proposed definitions of ''major failure condition'' and ''hazardous failure condition'' do not include a pilot compensation aspect and suggested changes to these definitions. TCCA suggested adding ''(5) Considerable pilot compensation is required for control'' to the definition of ''major failure condition'' and ''(4) Intense pilot compensation is required to retain'' to the definition of ''hazardous failure condition'' in accordance with a pilot task-oriented approach for evaluating airplane handling qualities. The FAA does not agree to change the definitions as suggested. The FAA's definitions of ''major failure condition'' and ''hazardous failure condition'' already include the effects on the flightcrew and their workload. Lastly, the definitions of ''major failure condition'' and ''hazardous failure condition'' specified in § 25.4 are harmonized with those specified in EASA AMC 25.1309. Changing those definitions would disharmonize them with that AMC.

GAMA/AIA and Gulfstream requested the FAA replace ''persons'' with ''occupants'' in the § 25.4 definition of ''hazardous failure condition.'' The commenters stated that the use of ''persons'' in lieu of ''occupants'' is an unsubstantiated expansion of the scope of the safety analysis to include people not on the aircraft. In addition, EASA's definition uses ''occupants.'' The FAA does not agree with this request. The FAA intends the term ''persons'' not to be limited to aircraft occupants. Although EASA's definition uses the term ''occupants,'' EASA has interpreted ''occupants'' to include persons other than airplane occupants in its Acceptable Means of Compliance (AMC) 25.1309. Specifically, AMC 25.1309 states, ''Where relevant, the effects on persons other than the aeroplane occupants should be taken

[17] Significant standards difference (SSD) refers to a validating authority airworthiness standard that either differs significantly from the certifying authority (CA) standard or has no CA equivalent. Reference: Technical Implementation Procedures for Airworthiness and Environmental Certification between the FAA and EASA, Revision 7, dated October 19, 2023, in the docket.

[18] The use of the term ''extremely remote'' in §§ 25.933 and 25.937 dates to the initial issue of 14 CFR in 1965. Section 25.933 was based on Civil Air Regulation (CAR) 4b.407, which was adopted at amendment 4b–01, May 17, 1954. Section 25.937 was based on CAR 4b.408, which was adopted at amendment 4b–6, July 8, 1957. The term ''extremely remote'' also appeared in CAR 04.310 on November 9, 1945. The FAA also stated in the **Federal Register** in 2001, ''The term 'extremely improbable' (or its predecessor term, 'extremely remote') has been used in 14 CFR part 25 for many years. The objective of this term has been to describe a condition (usually a failure condition) that has a probability of occurrence so remote that it is not anticipated to occur in service on any transport category airplane.'' 66 FR 23086, 23108 (May 7, 2001).

into account when assessing failure conditions in compliance with CS 25.1309.''

TCCA commented that the FAA should revise its definition of ''hazardous failure condition'' to exclude fatalities. TCCA stated that any fatalities should be considered catastrophic. The FAA did not make this change in this final rule, as doing so would not be consistent with long-standing FAA equivalent safety findings, nor with industry standards and practice, and would disharmonize the definition of ''hazardous failure condition'' with EASA AMC 25.1309.

Boeing and GAMA/AIA requested the FAA revise the definition of ''catastrophic failure condition'' to incorporate a note regarding failure conditions, which would prevent continued safe flight and landing (CSFL). Boeing also requested the FAA standardize the definition across the ACs associated with this rulemaking because the draft ACs were not consistent in their use of CSFL and associating this concept with ''catastrophic failure condition.'' The FAA partially agrees with this request. The FAA added a note to the definition of ''catastrophic failure condition'' in AC 25.1309–1B to indicate that a failure condition that would prevent continued safe flight and landing should be classified as ''catastrophic'' unless otherwise defined in other, more specific, ACs. The FAA did not add the note to the regulatory definition in § 25.4 because the note is guidance on the application of the definition.

Boeing requested that the FAA update the § 25.4(b)(1) definition of ''major failure condition'' to add ''physical discomfort'' as an effect on the flight crew and to use the term ''cabin crew'' instead of ''flight attendants'' for consistency with EASA Acceptable Means of Compliance (AMC) 25.1309. The FAA agrees and has incorporated these updates in the final rule for § 25.4(b)(1).

GAMA/AIA and Gulfstream requested the FAA remove § 25.4(b)(1)(iv) (''An effect of similar severity'') from the definition of ''major failure condition'' in § 25.4(b)(1). They stated this is a new addition to the definition and may cause confusion. The FAA does not agree to remove ''an effect of similar severity'' from the definition. This phrase replaces the term ''for example'' in EASA's definition. This does not add any additional criteria to the existing safety objective of ''major'' severity.

Boeing and GAMA/AIA requested the FAA revise the definition of ''significant latent failure'' to ''Any latent failure that is present in any combination of failures or events resulting in a hazardous or catastrophic failure condition.'' Boeing stated that this proposed definition minimizes possible misunderstanding or misinterpretation of the significant latent failure. The FAA did not make this change because the wording of the significant latent failure definition is well-established and unchanged from AC 25.1309–1A.

Except for the foregoing updates to the definition of ''major failure condition'' in § 25.4(b)(1), new § 25.4, Definitions, is adopted as proposed.

B. Section 25.302, Interaction of Systems and Structures

In the NPRM, the FAA proposed a new section, § 25.302, that would require an applicant to account for systems, and their possible failure, when assessing the structural performance of its proposed design. Modern flight control systems are more sophisticated than their predecessors and offer advantages such as load limiting and alleviation. However, as the FAA discussed in the NPRM, these systems can also have failure states that may allow the system to function in degraded modes that flightcrews may not readily detect and in which the load alleviation or limiting function may be adversely affected.

The FAA based much of its proposed regulation on the requirements of special conditions that the FAA has issued for several years to address these concerns on previous certification programs. However, as detailed in the NPRM, proposed § 25.302 included a number of differences compared to the special conditions and as compared to EASA CS 25.302. The primary objective of the § 25.302 rule that the FAA proposed in the NPRM was to reduce confusion for authorities and applicants by simplifying the rule text relative to previously-issued special conditions.

ATR, Boeing, Bombardier, TCCA, Airbus, EASA, GAMA/AIA, Gulfstream, and ANAC did not object to the FAA codifying the terms of its special conditions that it has been issuing to address this issue. However, they requested the FAA harmonize (by using the same language and, if possible, the same paragraph and appendix numbering for) proposed § 25.302 as EASA CS 25.302, which includes Appendix K by reference.

The FAA recognizes the benefits of harmonization. These benefits include regulatory predictability and the reduction of burden on applicants and civil aviation authorities. Therefore, except as discussed below, in this final rule, the FAA has harmonized new § 25.302 with EASA CS 25.302 to match the language and structure of EASA's rule to the extent allowed by FAA rulemaking constraints.

In this final rule, the FAA has revised the proposed § 25.302 to more closely harmonize with EASA CS 25.302, which includes Appendix K by reference. The FAA has revised proposed § 25.302 to harmonize with CS 25.302 in the determination of structural safety factors; the load conditions that the applicant must consider following system failures; residual strength substantiation; fatigue and damage tolerance; failure indications; and dispatch with known failure conditions. The FAA is revising these requirements relative to what was proposed in the NPRM because much of the criteria in CS 25.302 more closely matches the FAA Interaction of Systems and Structures special conditions that have been applied on numerous transport category airplane programs and have proven to provide a satisfactory level of safety.[19] Also, the NPRM proposal, if adopted, would have introduced a number of differences between FAA and EASA requirements and created a potential certification burden.

The FAA stated in the NPRM that the proposed § 25.302(e), which would have provided structural requirements for dispatch under the master minimum equipment list provided by the applicant, would provide safety benefits by using a simpler approach to address the risk associated with dispatching an airplane with known failure conditions. However, the FAA agrees with commenters that two different sets of criteria (FAA and EASA) would only cause more difficulty for manufacturers, the FAA, and other civil aviation authorities. The FAA also stated in the NPRM that proposed § 25.302 would provide safety benefits by using simpler, and in some cases more conservative, criteria compared with CS 25.302 and previous FAA special conditions. The FAA agrees with commenters that its special conditions, which used the same factor-of-safety formulae as used in CS 25.302, have proven to provide a satisfactory level of safety and that more conservative criteria are not necessary. By more closely harmonizing with CS 25.302 and previous FAA special conditions, applicants will be able to rely on past practices. The public could have reasonably anticipated the FAA would adopt final rule text that closely harmonizes with CS 25.302, given the FAA's prior special conditions, the common safety purpose of the FAA and EASA regulations on this topic, and the

[19] 87 FR 16626 (Mar. 24, 2022); 82 FR 36328 (Aug. 4, 2017).

harmonization discussion throughout the NPRM.

In this final rule, the FAA has also revised § 25.302 to harmonize with CS 25.302 in terms of the rule structure and paragraph numbering, although CS–25 includes CS 25.302 criteria within Appendix K, while 14 CFR part 25 includes all criteria directly in § 25.302.

The regulatory text proposed by the FAA in the NPRM did not require applicants to consider the effect of nonlinearities, but the preamble reflected the FAA's assumption that applicants would do so. Consistent with CS 25.302, in this final rule, the FAA has made this consideration a regulatory requirement.

In the NPRM, the FAA stated that proposed § 25.302 would not include any aeroelastic stability requirements, only loads requirements. The FAA did not revise this final rule to harmonize with CS 25.302 in terms of aeroelastic stability criteria. As discussed in the NPRM, the FAA finds that the failure criteria specified in § 25.629 are adequate, and there is no need to propose different failure criteria in § 25.302.

Airbus, Boeing, Bombardier, Dassault, DeHavilland, GAMA/AIA, Gulfstream, Pratt & Whitney, and TCCA requested specific changes to proposed § 25.302 in the event the FAA chose not to harmonize § 25.302 with EASA CS 25.302. The requested specific changes are no longer applicable as the FAA has largely harmonized § 25.302 in this final rule with EASA CS 25.302.

Airbus proposed that the FAA consolidate, into new § 25.302, the requirement of § 25.305(f) that the airplane must be designed to withstand any forced structural vibration resulting from any failure, malfunction, or adverse condition in the flight control system. The FAA does not agree. In this final rule, the FAA keeps those as separate requirements because the requirement in § 25.305(f) may apply to systems and failures not addressed by § 25.302. Also, § 25.305(f) is currently harmonized with CS 25.305(f).

1. Summary of Requirements

For airplanes equipped with systems that affect structural performance, § 25.302, in this final rule, requires the applicant take into account the influence of these systems and their failure conditions when showing compliance with the requirements of subparts C and D of 14 CFR part 25. New § 25.302(b) specifies requirements for when the systems are fully operative. New § 25.302(c) specifies requirements for failure conditions at the time of occurrence (§ 25.302(c)(1)) and for the continuation of flight (§ 25.302(c)(2)). New § 25.302(c) includes requirements related to structural vibrations, residual strength, and fatigue and damage tolerance for these failure conditions. Finally, the rule provides failure indication (§ 25.302(d)) and dispatch requirements (§ 25.302(e)).

2. Applicability

Boeing, Bombardier, DeHavilland, GAMA/AIA, and Pratt & Whitney requested that the FAA clarify the applicability of proposed § 25.302, including whether the FAA's final rule would apply only, as did the FAA's special conditions and EASA CS 25.302, to the airplane structure whose failure could prevent continued safe flight and landing. The applicability of § 25.302 in this final rule is as follows.

As stated in the final rule text, § 25.302 applies to systems that affect structural performance, either directly or as a result of a failure or malfunction. A system affects structural performance if it can induce loads on the airplane or change the response of the airplane to inputs such as gusts or pilot actions.

Examples of these systems include flight control systems, autopilots, stability augmentation systems, load alleviation systems, and fuel management systems.

Section 25.302, in this final rule, specifies the loads that the applicant's analysis must apply to structure, taking into account the systems defined above, operating normally and in the failed state. As stated in the final rule text, these structural requirements apply only to structure whose failure could prevent continued safe flight and landing. This limitation is consistent with the requirements of the special conditions that the FAA has been applying for more than twenty years.

Section 25.302, in this final rule and as proposed in the NPRM, does not apply to the flight control jam conditions covered by § 25.671(c)(3) or the discrete source events covered by § 25.571(e). Section 25.302 also does not apply to any failure or event that is external to (not part of) the system being evaluated and that would itself cause structural damage.

3. Clarification of Terms

In this final rule, § 25.302(b) states that with the system fully operative, the applicant must investigate the effect of nonlinearities sufficiently beyond limit conditions to ensure the behavior of the system presents no detrimental effects compared to the behavior below limit conditions. The intent of this sentence is to require the applicant to investigate the system effects ''sufficiently beyond limit'' to ensure that no detrimental effects could occur at limit load or just beyond.

Sections 25.302(c)(1)(ii) and (c)(2)(iii) of this final rule include a reference to residual strength substantiation. This is referring to the residual strength substantiation required by § 25.571(b).

Section 25.302(c)(2)(iv) of this final rule states that if the loads induced by the failure condition have a significant effect on fatigue or damage tolerance, then the applicant must take their effects into account. A failure condition has a ''significant'' effect on fatigue or damage tolerance if it would result in a change to inspection thresholds, inspection intervals, or life limits.

Section 25.302(d)(1) of this final rule requires the flightcrew to be made aware of certain failure conditions before flight, as far as practicable. In this case, ''as far as practicable'' means that if automatic failure indication can detect such a failure using current technology, then that failure should be so monitored and indicated to the flightcrew before flight.

4. Significant Standards Differences Between § 25.302 and EASA CS 25.302

Section 25.302 of this final rule differs from CS 25.302 and Appendix K, as discussed below.

As noted above, unlike CS 25.302, new § 25.302 does not include any aeroelastic stability requirements. Section 25.629 and CS 25.629 both specify flutter speed margins for failure conditions, but CS 25.302 includes additional aeroelastic failure criteria. As indicated in the NPRM, the FAA finds the failure criteria specified in § 25.629 to be adequate, and additional failure criteria in § 25.302 are unnecessary. This is a significant standards difference between § 25.302 and CS 25.302.

The NPRM proposed, and in this final rule § 25.302 requires, the evaluation of any system failure condition not shown to be extremely improbable or that results from a single failure. Several commenters, including Bombardier, Airbus, and TCCA, stated that single failures that an applicant shows to be extremely improbable should not be included in § 25.302, while Boeing agreed that single failures should be included regardless of probability. The FAA does not agree to exclude single failures from § 25.302 in this final rule for the following reasons:

(1) To be consistent with §§ 25.671 and 25.1309, both of which require the evaluation of single failures, and related guidance, and past practice for these regulations, the FAA determined, as indicated in the NPRM, that single

failures should be assumed to occur regardless of probability.

(2) The typical language of the FAA's Interaction of Systems and Structures special conditions, used to address this issue on a variety of transport category airplane programs for more than twenty years, refers to any system failure condition ''not shown to be extremely improbable.'' Even though the special conditions have not explicitly mentioned single failures, the FAA's long-standing position on single failures is that they cannot be accepted as being extremely improbable. As noted in AC 25.1309–1A, dated June 21, 1988: ''In general, a failure condition resulting from a single failure mode of a device cannot be accepted as being extremely improbable.''

(3) The FAA has determined that not including single failures in the evaluation would reduce safety.

To conclude, CS 25.302 requires the evaluation of any system failure condition not shown to be extremely improbable, and that rule does not explicitly mention single failures. Therefore, this is a significant standards difference between § 25.302 in this final rule and CS 25.302.

CS 25.302 and § 25.302 in this final rule both require evaluation of failure conditions that affect structural performance, and for these failure conditions, both rules specify certain load conditions that must be evaluated for the continuation of flight. Section 25.302 includes an additional requirement not included in CS 25.302: Section 25.302(c)(2)(i)(F) requires the applicant to evaluate any other load condition for which a system is specifically installed or tailored to reduce the loads of that condition. ''Tailored'' means the system is designed or modified to change the response of the airplane to inputs such as gusts or pilot actions and thereby affect the resulting loads on the airplane. This is necessary to account for any systems that are designed to reduce the loads resulting from load conditions not specified in § 25.302(c)(2)(i)(A) through (E) and whose failure would increase loads relative to the design load level. This is a significant standards difference between § 25.302 and CS 25.302.

5. Nonsignificant Standards Differences Between § 25.302 and EASA CS 25.302

Section 25.302 does not include paragraphs (a) and (b) from CS–25 Appendix K, K25.1 General, except for one sentence from K25.1(a). That sentence indicates that the criteria in § 25.302 are only applicable to structure whose failure could prevent continued safe flight and landing. Also, new § 25.302(c), discussed above, does not include paragraph (c)(3) from Appendix K, K25.2 Effects of Systems on Structures. The FAA did not include these paragraphs because the FAA determined they are general in nature and do not contain any specific requirements.

Section 25.302 does not include the definitions found in paragraph K25.1(c). The FAA determined these terms are sufficiently understood and do not need to be provided in the rule.

While § 25.302 is mostly harmonized with CS 25.302, there are a number of minor differences in wording, as follows:

CS–25 K25.2 paragraph (b) provides requirements for a fully operative system. Section 25.302(b) mandates the same requirements but states them more succinctly.

CS–25 K25.2 paragraph (c) provides requirements for a failed system. Section 25.302(c) mandates the same requirements but removes passive voice and states those requirements more succinctly.

CS–25 K25.2 paragraph (d) provides failure indication requirements. Section 25.302(d) mandates the same requirements but does not include the last two sentences of K25.2 paragraph (d)(1) because they are unnecessary given the first two sentences of paragraph (d)(1).

CS–25 K25.2 paragraph (e) and § 25.302(e) of this final rule address dispatch requirements. In § 25.302(e), the FAA includes a specific reference to the Master Minimum Equipment List, which the operator uses to develop their Minimum Equipment List, the primary document that controls dispatch requirements. Also, CS 25.302(e) includes a requirement that flight and operational limitations be such that being in a failure state and then encountering limit load is extremely improbable. The FAA did not include this requirement because § 25.302(e) already includes specific criteria related to dispatch, and this requirement could potentially conflict with those criteria.

Finally, EASA includes CS 25.302 criteria within CS–25 Appendix K, while this final rule includes the equivalent criteria in § 25.302.

In conclusion, to address the potential effects of aircraft systems on structure, the FAA does not adopt the text of § 25.302 that the FAA proposed in the NPRM. Instead, the FAA, as requested by several commenters, adopts a new § 25.302 that more closely hews to the language of the FAA's longstanding special conditions on this topic and to EASA CS 25.302, with the modifications set forth in the foregoing discussion.

C. Section 25.629, Aeroelastic Stability Requirements

Summary of Changes to Current Rule

Section 25.629 establishes several requirements to ensure the aeroelastic stability of the airplane. For example, it requires the applicant to consider the potential effect of several types of failures on the airplane's aeroelastic stability. In the NPRM, the FAA proposed to revise paragraphs (b) and (d) of this section, as discussed below.

In this final rule, the FAA is revising the paragraph numbers of § 25.629 to correspond with EASA's rule (*i.e.,* § 25.629(d)(9) becomes (d)(10); § 25.629(d)(10) becomes (d)(11); and the failure evaluation requirements are introduced in § 25.629(d)(9)), as requested by commenters and explained below. The FAA is also revising the text in § 25.629(d)(9), as requested by commenters and as explained below, to harmonize with EASA CS 25.629(d)(9) and to clarify when the new failure evaluation requirements are applicable. Furthermore, as requested by commenters and explained below, the FAA is not revising § 25.629(b), as was proposed in the NPRM, to include the reference to § 25.333. Instead, the FAA is revising § 25.629(a) to clarify that the aeroelastic evaluation must include any condition of operation within the maneuvering envelope. This revision to proposed § 25.629(a) is consistent with current existing industry practice of evaluating the aeroelastic impact of loads due to allowed maneuvers for part 25 airplanes and is stated explicitly in § 23.629 at amendment 23–63 [20] and EASA CS 23.629 amendment 23/4. The FAA also revised § 25.629(a) in this final rule to consistently use the singular term ''evaluation'' where it appears in order to prevent confusion.

1. Paragraphs (a) and (b)

In the NPRM, the FAA proposed to specify that the aeroelastic stability envelope addressed by § 25.629(b) includes the range of load factors in § 25.333, Flight Maneuvering Envelope.

GAMA/AIA, Gulfstream, DeHavilland, Airbus, Bombardier, and Boeing requested the FAA not make this change. The commenters stated this would be an expansion of the traditional scope of § 25.629 and that it would disharmonize the FAA's rule with EASA rules. The commenters also stated that the structural design envelope defined in § 25.333 is not intended for

[20] 76 FR 75736 (December 2, 2011).

aeroelastic stability analysis and should not be confused with the normal flight envelope of an airplane.

The FAA agrees with the commenters that the proposed change would disharmonize with CS 25.629 and potentially confuse the FAA's aeroelastic stability requirements with the strength requirements of § 25.333. Therefore, in this final rule, the FAA did not adopt the reference to § 25.333 in § 25.629(b), which remains unchanged.

However, including conditions within the flight maneuvering envelope that is described in § 25.333 in aeroelastic stability evaluations is common practice because such conditions are anticipated to be encountered in flight and therefore need to be free from aeroelastic instabilities. Thus, although paragraph (b) of § 25.629 does not reference § 25.333, in this final rule, paragraph (a) of § 25.629 now states that the aeroelastic evaluation must ''include any condition of operation within the maneuvering envelope.'' This change to § 25.629(a) is consistent with § 23.629 at amendment 23–63 and EASA CS 23.629 amendment 23/4, which also address conditions of operation in paragraph (a). The FAA has also issued AC 25.629–1C, Aeroelastic Stability Substantiation of Transport Category Airplanes, to provide more details, further clarify the intent of the rule change, and provide an acceptable means of compliance.

2. Paragraph (d)

In the NPRM, the FAA proposed to relocate certain requirements for applicants to analyze specific failures from § 25.671(c)(2) to § 25.629(d).

Gulfstream requested the FAA revise proposed § 25.629(d) to consider the probability of the noted failure conditions and exclude extremely improbable failure combinations. Gulfstream stated that current § 25.671(c)(2) states ''Any combination of failures not shown to be extremely improbable. . .''; however, proposed § 25.629(d)(10) would not have limited its scope to ''combination of failures not shown to be extremely improbable.'' In addition, GAMA/AIA requested the FAA not adopt proposed § 25.629(d)(10) and instead leave these requirements in current § 25.671. GAMA/AIA stated that by explicitly adding the failures to proposed § 25.629(d)(10), regardless of probability, a more strenuous requirement is added without justification. GAMA asserted that retention of the exclusion of extremely improbable combinations will serve to incentivize designs of higher reliability.

The FAA does not agree with these requests. The FAA does not agree with the commenters' suggestions to limit the required consideration to failures that the applicant cannot show are extremely improbable. The stated conditions need to be considered by the applicant regardless of probability calculations if the airplane's aeroelastic stability relies on flight control system stiffness, damping, or a combination of both. Proposed § 25.629(d)(10), which is now paragraph (d)(9) in the final rule, reflects current industry practice and existing guidance in AC 25.629–1B and EASA Acceptable Means of Compliance (AMC) § 25.629. In addition, the requested change would have introduced a significant difference between the standards of the FAA and EASA CS 25.629.

Boeing, Bombardier, and Gulfstream requested that proposed paragraph § 25.629(d)(10) be more closely harmonized with the corresponding CS 25.629 paragraph in its introductory text to include the text ''where aeroelastic stability relies on flight control system stiffness and/or damping'' to provide clarity to the application of this requirement. The FAA agrees with this request because it clarifies the situations for which failure evaluations are required and has updated § 25.629(d)(9) in the final rule to more closely harmonize with EASA and to include the text ''where aeroelastic stability relies on flight control system stiffness, damping, or both.''

Airbus requested that the FAA remove the reference to § 25.671 from current § 25.629(d)(9). Airbus stated that this reference may no longer be applicable because, in the NPRM, the FAA proposed to consolidate the requirements in current § 25.671(c)(1) and (c)(2) under proposed § 25.1309.

In this final rule, the FAA has redesignated paragraph (d)(9) of § 25.629 as paragraph (d)(10) and updated § 25.671(c) to align with CS 25.671(c). The FAA has retained the reference to § 25.671 in § 25.629(d)(10) because, in the final rule, applicants must still evaluate the failure conditions of paragraph § 25.671(c) under § 25.629(d)(10).

D. Section 25.671, Flight Control Systems

In the NPRM, the FAA proposed a number of revisions and additions to § 25.671, as summarized and discussed below. Airbus, ANAC, Boeing, GAMA, Gulfstream, Safran, and TCCA requested the FAA harmonize one or more paragraphs of § 25.671 with EASA CS 25.671. The FAA agrees with these requests and, in this final rule, has changed proposed § 25.671(a), (b), (c), (d), (e), and (f) to better align with EASA CS 25.671.

1. Paragraph (a)

In the NPRM, the FAA proposed to revise § 25.671(a) by referring to each ''flight control'' and ''flight control system'' instead of ''control'' and ''control system.'' To harmonize with CS 25.671(a), the final rule now refers only to each ''flight control system.'' This is not a substantive change from the NPRM.

In the NPRM, the FAA also proposed to revise § 25.671(a) to require the flight control system to continue to properly operate, and not hinder airplane recovery when the airplane experiences certain conditions, including any ''pitch, roll, or yaw rate, or vertical load factor.'' The FAA proposed that this change would ensure there would be no features or unique characteristics of the flight control system that restrict the pilot's ability to recover from any attitude, pitch, roll or yaw rate, or vertical load factor expected to occur due to operating or environmental conditions. ANAC and TCCA suggested changing proposed § 25.671(a) to specify ''any flight dynamics parameter'' instead of ''any pitch, roll, yaw rate, or vertical load factor'' to harmonize with EASA language. The FAA does not agree. The suggested change would be a potentially open-ended requirement because ''any flight dynamics parameter'' could mean many different parameters. The text in § 25.671(a)[21] is more specific, sufficient to accomplish its purpose, and is adopted as proposed.

2. Paragraph (b)

In the NPRM, the FAA proposed to revise § 25.671(b) by referring to incorrect assembly that could result in ''failure of the system to perform its intended function.'' To harmonize with CS 25.671(b), the final rule now refers to incorrect assembly that could result in ''failure or malfunctioning of the system.'' This is not a substantive change from the NPRM.

An individual commenter requested the FAA move the requirement to minimize the probability of incorrect assembly from § 25.671(b) to § 25.1309 and make it applicable to all systems. The commenter stated that designing a system to ensure it can only be assembled correctly is a basic good engineering practice. The FAA does not agree to make this change to the regulation. The requirements of § 25.671(b) apply only to flight control systems. Other systems are subject to different requirements for minimizing

[21] AC 25.671–1 provides additional information.

incorrect assembly and different marking requirements. The incorrect assembly addressed by § 25.671(b) is that which could result in failure or malfunctioning of the system. Section 25.1309(a) requires the proper functioning of the equipment, systems, and installations whose function is required by subchapter C of title 14. The issue of incorrect assembly is addressed in AC 25.1309–1B, by reference to Aerospace Recommended Practice (ARP) 4761 ''Guidelines and Methods for Conducting the Safety Assessment Process on Civil Airborne Systems and Equipment.'' Improper assembly within ARP4761 is a manufacturing consideration with consideration to common mode type sources or failures/errors only.

ANAC requested the FAA harmonize proposed § 25.671(b) with EASA CS 25.671(b) by adding ''taking into consideration the potential consequence of incorrect assembly'' to the requirement. The FAA does not agree with this request. The general requirements of this paragraph apply to each element of each flight control system regardless of the potential consequence of incorrect assembly.

Revised § 25.671(b) is therefore adopted as proposed.

3. Introductory Text of Paragraph (c)

The NPRM proposed certain conforming changes to the introductory text of paragraph (c), as a result of the FAA's proposal to remove the flight control system failure criteria of § 25.671(c)(1) and (c)(2) and substitute the general criteria of 14 CFR 25.1309. As explained below, the FAA decided to retain the specific criteria of § 25.671(c)(1) and (c)(2), and so the proposed changes to the introductory text of paragraph (c) are now no longer necessary. Therefore, in this final rule, the introductory paragraph (c) is unchanged from the current paragraph (c), except as described herein.

The current § 25.671(c) introductory text refers to the flight control system and surfaces (including trim, lift, drag, and feel systems). To harmonize with CS 25.671(c), the final rule refers only to the flight control system, which includes surfaces and the other referenced systems. This is not a significant change.

The current § 25.671(c) introductory text requires the applicant to show that the airplane is capable of continued safe flight and landing after jams and other failures ''without requiring exceptional piloting skill or strength.'' Gulfstream requested the FAA not remove ''without requiring exceptional skill or strength'' from § 25.671(c). The FAA does not agree because that clause is now included in the definition of continued safe flight and landing provided in AC 25.671–1. Therefore, including this phrase in § 25.671(c) is no longer necessary. The final rule is also harmonized with CS 25.671(c) and AMC 25.671 in this regard.

Gulfstream requested the FAA not eliminate, as it proposed in the NPRM, the § 25.671(c) requirement for probable flight control failures to have only ''minor'' effects. The company stated that minor failures for § 25.1309 tend to only have a functional hazard assessment (FHA)-level review in the SSA. There is no specific requirement in § 25.1309(b) to address minor failures. As such, there may be probable flight control failures that are not explicitly addressed by the § 25.1309(b) process. The FAA agrees. The final rule retains the noted text.

ANAC requested the FAA move the requirement that compliance be shown ''by analysis, test, or both . . .'' from § 25.671(c) to AC 25.671–1, stating that this text is guidance. The FAA does not agree. This portion of the text in § 25.671(c) was not proposed to be revised in the NPRM, has been in place for many decades in the current rule, is understood by applicants, and is harmonized with CS 25.671(c).

4. Paragraphs (c)(1) and (c)(2)

The NPRM proposed that current § 25.671(c)(1) and (c)(2) be removed and all flight control system failures be covered by § 25.1309. Boeing, Airbus, ANAC, GAMA/AIA, Gulfstream, and TCCA requested the FAA retain the current § 25.671(c)(1) and (c)(2) in order to better align § 25.671(c) with EASA CS 25.671(c). The FAA agrees with commenters that removing § 25.671(c)(1) and (c)(2) would create a certification burden due to differences with EASA requirements and because different means of compliance are normally used for §§ 25.671(c) and 25.1309(b), as described in their respective ACs. Therefore, the FAA agrees to retain § 25.671(c)(1) and (c)(2).

If the FAA chose not to change § 25.671(c)(1) and (c)(2), TCCA, ANAC, Bombardier, and Boeing requested specific changes to § 25.671(c) in order to more closely harmonize with EASA CS 25.671(c). The requested changes are no longer relevant as the FAA has decided to retain § 25.671(c)(1) and (c)(2).

5. Paragraph (c)(3)

In the NPRM, the FAA proposed that revised § 25.671(c) would address flight control jams. With the retention of § 25.671(c)(1) and (c)(2), described above, flight control jams will continue to be addressed by § 25.671(c)(3). The proposed rule would have addressed flight control jams in § 25.671(c)(1), (c)(2), and (c)(3). The corresponding paragraphs for these requirements in this final rule are § 25.671(c)(3)(i), (c)(3)(ii), and (c)(3)(iii).

To harmonize with CS 25.671(c)(3) and as recommended by the ARAC FCHWG, and as described in the NPRM, this final rule refers to jams of a flight control surface or pilot control that are ''fixed in position'' due to a physical interference.

6. Exception in Paragraph (c)(3)(ii)

Proposed § 25.671(c)(2) would have excepted jams that occur immediately before touchdown if the applicant were able to show that such jams are extremely improbable. (In this final rule, § 25.671(c)(2) is renumbered as § 25.671(c)(3)(ii).) The FAA proposed this exception due to the lack of practical means for applicants to show compliance, and the short duration of the potential hazard.

GAMA/AIA and Gulfstream requested the FAA revise proposed § 25.671(c)(2) to incorporate the 2002 ARAC FCHWG recommendation, which excluded consideration of jams occurring immediately before touchdown regardless of probability.

The FAA agrees that the consideration of jams before touchdown should not be linked with a numerical estimate of the probability of the jam. Instead, in this final rule the FAA has reworded § 25.671(c)(3)(ii) to exclude consideration of jams immediately prior to touchdown if the risk of a potential jam is minimized to the extent practical. AC 25.671–1 provides guidance on acceptable means of showing compliance with this requirement.

This is a difference between § 25.671(c)(3)(ii) and EASA CS 25.671(c)(3)(ii) because CS 25.671(c)(3)(ii) does not include an exception for jams occurring just before touchdown. The FAA expects this difference to have no effect in practice because EASA guidance included in Acceptable Means of Compliance (AMC) § 25.671 similarly allows jams before touchdown to be excluded if an assessment of the design shows that all practical precautions have been taken. Therefore, the FAA finds that, with this final rule, there will not be a significant standards difference between the FAA and EASA requirements.

Airbus asked that the FAA also except jams during the takeoff phase because, in both cases, exposure time is limited. The FAA does not agree. The ARAC FCHWG did not recommend excluding

the takeoff phase, only the landing phase. Although flight control jams can occur during takeoff, practical design solutions can be put in place to mitigate such jams. Note that AC 25.671–1 states that, for jams that occur during takeoff, the applicant may assume that if the jam is detected prior to V_1, the takeoff will be rejected.

DeHavilland requested confirmation that the new requirements related to flight control jams do not change what the company describes as accepted current practice. That practice would allow jams in spring-tab mechanisms that could occur during takeoff to be evaluated probabilistically, and the short exposure time during takeoff could be considered in determining the probability of such jams. This final rule requires the applicant to determine the type of jam or failure being assessed. For those flight control jams evaluated under § 25.671(c)(3), the probability of the jam, and the short exposure time during takeoff, may not be considered in showing compliance with that regulation. The FAA did not change the rule or associated guidance as a result of this comment.

7. Paragraph (c)(3)(iii)

Section 25.671(c)(3)(iii) states that in addition to the jam being evaluated, any additional failure conditions that could prevent continued safe flight and landing must have a combined probability of 1/1000 or less, rather than ''less than 1/1000'' as proposed in the NPRM. This harmonizes with CS 25.671(c)(3).

GAMA/AIA requested that the FAA use ''failure states'' in place of ''failure conditions'' in § 25.671(c)(3)(iii) because the 2002 ARAC FCHWG report used ''failure states.'' The FAA does not agree. The term ''failure conditions'' is well-understood, has been used for many years, and is appropriately used in this regulation. In addition, CS 25.671(c)(3) also refers to ''failure conditions.'' The FAA added guidance in AC 25.671–1 to explain this requirement.

Except for the differences noted in the foregoing discussion, revised § 25.671(c) is adopted as proposed.

8. Paragraph (d)

Section 25.671(d) requires that the airplane remain controllable if all engines fail. In the NPRM, the FAA proposed to add a requirement that an approach and flare to a landing and controlled stop must also be possible, assuming that a suitable runway is available. GAMA/AIA, TCCA, and Boeing requested the FAA add ''and flare to ditching'' to the new requirements. Since the most likely scenario leading to a controlled ditching is loss of all engines, the scenario is relevant, according to the commenters. The FAA agrees with this request because a flare to a ditching may require different reconfiguration than would be required for landing; for example, flap settings and pitch attitude. Adding the flare to a ditching requirement to § 25.671(d) will also harmonize the rule with CS 25.671(d).

Gulfstream and GAMA/AIA requested the FAA remove the requirement for a controlled stop from proposed § 25.671(d) as they felt a braking requirement should not be added to a general flight control system requirement. The FAA does not agree. Stopping capability can be affected by flight controls, including spoilers, flaps, and rudder. In addition, this would result in a difference compared to EASA CS–25 language.

TCCA and ANAC requested that the FAA remove the following sentence from proposed § 25.671(d): ''The applicant may show compliance with this requirement by analysis where the applicant has shown that analysis to be reliable.'' The commenters stated that this sentence describes an acceptable means of compliance, which is adequately covered in the corresponding guidance. The FAA agrees and did not include this sentence in the final rule.

Except for the changes noted in the foregoing discussion, § 25.671(d) is adopted as proposed.

9. Paragraph (e)

In the NPRM, the FAA proposed to add new § 25.671(e), requiring the flight control system to indicate whenever the primary control means are near the limit of control authority. The FAA proposed this change due to the lack of direct tactile link between the flightdeck control and the control surface on airplanes equipped with fly-by-wire control systems.

DeHavilland requested that the FAA use ''must provide appropriate feedback to the flight crew . . .'' in place of ''must indicate to the flight crew'' in new § 25.671(e). The company stated that for non-fly-by-wire systems, the air loads are either naturally sensed or simulated. The company also commented that the use of the word ''indicate'' in the proposed requirement has a potential for misinterpretation, as tactile feedback is not normally considered as an ''indication.'' The commenter acknowledged draft AC 25.671–X addresses use of feel forces and cockpit control movement to meet this requirement.

The FAA does not agree to make this change. As noted by the commenter, the AC addresses use of tactile feedback as a method of compliance with this requirement.

ANAC and TCCA commented that the FAA should harmonize the new requirement of § 25.671(e) with CS 25.671(e) to remove any possible misunderstanding. The FAA agrees. The proposed rule stated that the ''flight control system'' must indicate to the flightcrew whenever the primary control means is near the limit of control authority. This final rule is revised to harmonize with CS 25.671(e) and requires ''the airplane'' to be designed to indicate to the flightcrew whenever the primary control means is near the limit of control authority. This is not a substantive change.

10. Paragraph (f)

In the NPRM, the FAA proposed to add new § 25.671(f), requiring that the flight control system alert the flightcrew whenever the airplane enters any mode that significantly changes or degrades the normal handling or operational characteristics of the airplane.

ANAC and TCCA commented that the FAA should fully harmonize § 25.671(f) with CS 25.671(f) to remove any possible misunderstanding. The FAA agrees. The proposed rule would have required that the flight control system alert the flightcrew whenever the airplane enters a flight control mode of concern. This final rule is revised to harmonize with CS 25.671(f) and thus requires the system to provide ''appropriate flightcrew alerting.'' This is not a substantive change.

11. Relationship Between §§ 25.671(c) and 25.1309

ANAC, Boeing, and GE sought clarification from the FAA on the applicability of §§ 25.671(c) and 25.1309, particularly in light of the changes proposed in the NPRM. As explained above, the FAA decided to retain the structure of existing § 25.671(c) in the final rule, which will address the concerns raised by these commenters. The FAA provides the following additional explanation relative to the requirements of the final rule. Section 25.1309 applies to all systems and equipment installed on the airplane, including the flight control system. Section 25.671(c) also applies to the flight control system. The safety requirements in § 25.671(c)(1) and (c)(2) correspond with those in § 25.1309(b)(1). There are no fundamental differences between these two sets of safety requirements as they apply to the flight control system.

However, different methods of compliance may be used to comply with § 25.671(c)(1) and (c)(2) as compared to § 25.1309(b)(1).

Sections 25.671(c)(1) and (c)(2) require the airplane to be capable of continued safe flight and landing after any single failure and after any combination of failures not shown to be extremely improbable. Section 25.1309 requires that these failure conditions not be catastrophic. While worded differently, these requirements are functionally equivalent. AC 25.1309–1B states that a flight control system failure condition that would prevent continued safe flight and landing should be classified as catastrophic. AC 25.671–1 provides specific criteria unique to the assessment of flight control system failures. AC 25.1309–1B also provides guidance on assessing failure conditions that apply to the flight control system.

Sections 25.1309(b)(2) through (b)(5), (c), and (e) also apply to the flight control system. There are no requirements in § 25.671 that correspond to these subparagraphs.

E. Section 25.901, Engine Installation

In the NPRM, the FAA proposed that § 25.901(c) would specify that the requirements of § 25.1309 would apply to powerplant installations. The FAA also proposed to remove the prohibition in § 25.901(c) on catastrophic single failures and probable combinations of failures since addressing such failures would be adequately addressed by the proposed § 25.1309(b). The FAA proposed that these changes would harmonize § 25.901(c) with EASA CS 25.901(c).

Pratt & Whitney requested that the FAA add to § 25.901(c) the phrase ''or any other failure consistent with existing § 33.75 single element exception requirements'' to ensure consistency with § 25.901(c) and existing requirements. The FAA does not agree with the request. The referenced exception requirements only address instances in which the failure of the single element is likely to result in a hazardous engine effect. These effects are among the conditions applicants use for evaluating the hazard to the engine under engine airworthiness requirements, which do not consider the effect of the airplane installation. For example, hazardous effects on the engine may not necessarily result in a catastrophic failure at the airplane level. Since the requirements of § 33.75 are independent of the aircraft airworthiness requirements, they are inadequate for evaluating the hazard to the aircraft installation. The exceptions to § 25.1309(b) that the FAA has identified in § 25.901(c) are consistent with existing powerplant installation requirements in part 25 and compliance showings to § 25.901(c) before adoption of this final rule. Expanding the exceptions to § 25.1309(b) to include aspects of § 33.75 would not be consistent with existing part 25 powerplant installation requirements. The potential failure conditions of the engine type design that should be excepted from § 25.1309(b) are adequately addressed by the exceptions identified by § 25.901(c).

The FAA therefore adopts revised § 25.901(c) as proposed.

F. Section 25.933, Reversing Systems

In the NPRM, the FAA proposed to add a ''reliability option'' for thrust reversers to § 25.933(a), allowing applicants to show that an unwanted deployment of the reverser is extremely improbable (*i.e.,* complies with 14 CFR 25.1309(b)), instead of only that the airplane remains controllable if the reverser deploys in flight.

GAMA/AIA commented that the proposed wording of § 25.933(a) does not clearly communicate that the controllability option would still require compliance with § 25.1309, as noted in the regulatory evaluation (footnote 58 of the NPRM). GAMA/AIA requested the wording of § 25.933(a) be changed to clearly define the requirement to show compliance with § 25.1309 regardless of controllability.

The FAA acknowledges that compliance with § 25.1309 is required regardless of which option an applicant chooses under § 25.933(a) since § 25.901(c) requires compliance with § 25.1309. However, the FAA partially agrees, and in this final rule has revised § 25.933(a) to clarify, that when an applicant chooses the reliability option (new § 25.933(a)(ii)), the applicant must account for the potential hazard to the airplane assuming the airplane would not be capable of continued safe flight and landing during and after an in-flight thrust reversal when showing compliance with § 25.1309(b). Section 25.901(c) applies to the powerplant and auxiliary power unit (APU) installation, except for the specific items listed in new § 25.901(c). Compliance with § 25.1309 is required for the powerplant and APU installation, which includes the thrust reversing system, per the new § 25.901(c). The FAA finds that it is unnecessary to restate in § 25.933(a)(1) that compliance with § 25.1309 is required for the reversing system since it is already required by the new § 25.901(c) and not one of the items excepted.

Air Tech Consulting objected to the ''reliability option'' that the FAA proposed in the NPRM. The commenter cited three inflight reverser deployments in the past twelve months as justification for maintaining the existing rule.

The FAA does not agree with this request. The incidents cited by the commenter were not in-flight thrust reverser deployments, only component failures or false indications.[22] The FAA has made equivalent safety findings on many proposed airplane models based on the ARAC PPIHWG recommendations for § 25.933(a)(1) and certified many designs using the reliability approach rather than the controllability approach in current § 25.933(a)(1). The FAA does not agree that these particular in-service events show that the systems would not have met § 25.1309(b) or that the longstanding reliability approach for certification of the thrust reverser system is inadequately safe.

TCCA commented that systems design often needs to strike a balance between availability (system performs its intended function when needed) and integrity (protecting against system malfunctions). TCCA requested that the FAA revise §§ 25.933 and 25.1309(b) to emphasize the need to consider system availability in conjunction with integrity.

The FAA agrees that system availability is an important consideration when designing the thrust reverser system. However, there are already applicable airworthiness requirements, such as §§ 25.901(b)(2) and 25.1309(a)(1), that address system availability and reliability and that are related to the system's effect on airplane safety. It is not necessary to provide additional emphasis on system

[22] Each of the three cited events were the result of either a false indication of an unlocked reverser door or failure of the primary lock followed by a small movement of a reverser door until the secondary lock engaged, where the movement was enough to result in an unlocked reverser indication. In either circumstance, the reverser door did not deploy and an actual in-flight thrust reversal did not occur. Also, after the close of the comment period for this rule, a FedEx Boeing Model MD–11 experienced an unwanted in-flight deployment on June 21, 2023. The thrust reversers on the airplane were not certified using the reliability approach; however, the design was reviewed by the FAA and Boeing (formerly Douglas) using the ''Criteria for Assessing Transport Turbojet Fleet Thrust Reverser System Safety,'' Revision A, dated June 1, 1994, which was a reference document used by the ARAC PPIHWG to develop recommendations for changes to § 25.933(a). Boeing used a mixed approach, in which the company demonstrated the Model MD–11 was controllable following an unwanted in-flight deployment within certain portions of the flight envelope and showed reliability, using a thrust reverser SSA, for the remainder of the flight envelope.

availability within §§ 25.933 and 25.1309(b) since these existing requirements are adequate to address the availability of thrust reverser system. Section 25.933(a)(1) addresses the specific failure condition of an unwanted in-flight deployment only, and § 25.1309(b) addresses the safety of equipment and systems as installed on the airplane. Therefore, the FAA does not agree with the commenter's request since requirements that influence system availability and the relationship with propulsion system reliability, which apply to the thrust reverser system, are already addressed in existing regulations. The FAA included guidance on § 25.901(b)(2) that is related to §§ 25.901(c) and 25.1309(b) in AC 25.901–1. Guidance for § 25.1309(a)(1) can be found in AC 25.1309–1B.

The FAA therefore adopts revised § 25.933 as proposed.

G. Section 25.1301, Function and Installation

In the NPRM, the FAA proposed to remove the ''function properly when installed'' criterion in § 25.1301(a)(4) for installed equipment whose function is not needed for safe operation of the airplane. In addition, the FAA proposed to remove § 25.1301(b) because it is redundant and unnecessary. Section 25.1301(b) required that a proposed airplane's EWIS meet the requirements of subpart H of part 25. The FAA proposed removing § 25.1301(b) because subpart H specifies its applicability and the requirements in subpart H can stand alone. The FAA received no substantive comments on proposed § 25.1301.

The FAA therefore adopts revised § 25.1301 as proposed.

H. Section 25.1309, Equipment, Systems and Installations

1. Applicability

In the NPRM, the introductory paragraph of proposed § 25.1309 explained that regulation would apply to any equipment or system installed on the airplane except as provided in paragraphs (e) and (f). Boeing, ANAC, Gulfstream, GAMA/AIA, and Garmin requested that the FAA delete paragraphs (e) and (f) of proposed § 25.1309 and move their content to the introductory paragraph to align with CS 25.1309. The commenters also noted that these paragraphs included regulatory exceptions to § 25.1309 and showing compliance to an ''exception'' raised administrative issues. The FAA agrees and updated § 25.1309 accordingly.

Proposed § 25.1309(e) would have excluded flight control jams governed by § 25.671(c) from the proposed single-failure requirement in § 25.1309(b)(1)(ii). Gulfstream proposed that flight control jams be excluded from all of § 25.1309 and stated that additional guidance would be needed if flight control jams were not excluded from § 25.1309(b). Although the FAA has historically used § 25.671(c) rather than § 25.1309 to address flight control jams, the FAA does not agree that flight control jams should be excluded from the other paragraphs of § 25.1309 because those requirements apply to flight control systems and are necessary for managing the risk of flight control jams.

The FAA agrees, however, that flight control jams should be excluded from all of § 25.1309(b), and the final rule is revised accordingly. The FAA did not intend § 25.1309(b) to apply to flight control jams because an evaluation of the failure conditions under § 25.1309(b) requires the applicant to determine numerical probabilities, which is not practical for flight control jams. Since EASA CS 25.1309 excludes flight control jams from only CS 25.1309(b)(1)(ii), this is a substantive difference between the FAA and EASA's regulations.

Proposed § 25.1309(f)(1) stated that § 25.1309(b) does not apply to single failures in the brake system because such failures are addressed by § 25.735(b)(1). GAMA/AIA requested the FAA change ''single failures'' to ''failures'' to be consistent with § 25.735. The FAA does not agree with this request because other types of failures in the brake system should be evaluated under § 25.1309(b).

Proposed § 25.1309(f)(2) stated that § 25.1309(b) would not apply to the failure effects addressed by §§ 25.810(a)(1)(v) and 25.812. Gulfstream and GAMA/AIA requested that the FAA replace ''25.810(a)(1)(v)'' with ''25.810'' to harmonize with CS 25.1309. The FAA does not agree because § 25.810(a)(1)(v) provides specific deployment and usability criteria for certain means of evacuation assistance, and this subparagraph alone is relevant to the exception discussion. However, the FAA updated ''failure effects'' to ''failure conditions'' to harmonize with CS 25.1309.

EASA requested that the FAA clarify the exception from compliance with § 25.1309(b) that proposed § 25.1309(f)(3) would have provided regarding § 25.1193, ''Cowling and nacelle skin,'' and suggested that the FAA change it from § 25.1193 to § 25.1193(a). EASA also stated that there may be value in considering § 25.1193 as applicable under § 25.1309 for systems that are used for opening or closing doors and monitoring proper closure/latched conditions. Furthermore, EASA asked why § 25.1193 was not also included in the propeller debris release exception in proposed § 25.1309(f)(4).

The FAA made no changes to the final rule in response to these comments. The NPRM explains that §§ 25.1193 and 25.905(d) already require applicants to consider the specific failures of fires from uncontained engine failures and engine case burn-through. Thus, it is not necessary to consider these same failures under § 25.1309 as well. Furthermore, nacelle cowl door opening, closure, position monitoring, latching, and other potential failure conditions are discussed in AC 25.901–1 for compliance with §§ 25.901(c) and 25.1309.

2. Paragraph (a)

In the NPRM, the FAA proposed to require that all installed airplane equipment and systems whose improper functioning would reduce safety perform as intended under the airplane operating and environmental conditions (§ 25.1309(a)(1)). The FAA also proposed that all equipment and systems not subject to the foregoing requirement not have an adverse effect on the safety of the airplane or its occupants (proposed § 25.1309(a)(2)). The latter requirement would have allowed such equipment to be approved by the FAA even if it may not perform as intended.

ANAC commented that proposed § 25.1309(a)(1) stated ''equipment and systems, as installed, must meet'' this requirement, while the ARAC SDAHWG recommended wording states ''equipment and systems must be designed and installed so that . . . .'' [23] ANAC recommended that the FAA adopt the proposed ARAC wording and match EASA CS 25.1309. The FAA agrees to harmonize the rule text to avoid any possible interpretation differences and this final rule has updated § 25.1309(a).

GAMA/AIA and Boeing requested the FAA revise proposed § 25.1309(a)(1) to replace ''whose improper functioning would reduce safety'' with ''whose function is necessary for safe operation of the airplane.'' The commenters were concerned that using the proposed phrase could result in equipment, systems, and installations intended for convenience to be subjected to § 25.1309(a)(1) requirements. The FAA

[23] *www.faa.gov/regulations_policies/rulemaking/committees/documents/media/TAEsdaT2-5241996.pdf.*

did not revise § 25.1309(a)(1) as suggested because this change would exclude evaluation of systems whose failure would have a safety effect. The suggested change would also disharmonize this rule with EASA CS 25.1309(a)(1).

Bombardier requested the FAA harmonize its proposed § 25.1309(a)(2) rule text of ''functioning normally or abnormally'' with the CS 25.1309(a)(2) rule text of ''not a source of danger.'' The FAA declines to update proposed § 25.1309(a)(2) as suggested. Although the phrase ''functioning normally or abnormally'' used in proposed § 25.1309(a)(2) is different from the ''not a source of danger in themselves'' used in EASA CS 25.1309(a)(2), the FAA considers these phrases as having generally the same meaning. ''Not a source of danger'' is largely synonymous with ''safe.'' An applicant must evaluate the systems addressed by § 25.1309(a)(2) to verify that their normal operation and failure or abnormal functioning have no safety effect (*i.e.,* they do not affect the operational capability of the airplane, do not increase flightcrew workload, and do not affect the safety of passengers or cabin crew).

GAMA/AIA requested the FAA change ''must not adversely affect'' in proposed § 25.1309(a)(2) to ''do not adversely affect'' as used in CS 25.1309(a)(2). GAMA/AIA stated that using ''do not'' in the regulation instead of ''must not'' changes the tone from preventative to evaluative. The FAA agrees and updated § 25.1309(a)(2) to align with CS 25.1309(a)(2).

Bombardier questioned whether § 25.1309(a)(2) should be interpreted by applicants to apply to electromagnetic interference (EMI) generated by systems operating abnormally. In a related question, Bombardier asked the FAA to clarify what applicants should address in a qualitative failure evaluation of equipment and systems under § 25.1309(a)(2). Bombardier stated that the NPRM preamble implies that applicants would have to show that an equipment failure will not result in increased electromagnetic emissions; however, Bombardier does not consider this to be the intent of proposed § 25.1309(a)(2).

The FAA intends that systems addressed under § 25.1309(a)(2), in this final rule, do not have to meet the former requirement that they ''perform as intended'' when installed. AC 25.1309–1B explains that the systems addressed by § 25.1309(a)(2) should be designed so that their failures have no safety effect. In addition, normal installation practices can be used to isolate these systems, and a qualitative installation evaluation based on engineering judgment can be used to determine that the failure or improper functioning of these systems would not affect the safety of the airplane. Thus, the extent of EMI testing that is required for systems addressed under § 25.1309(a)(1) is not required for systems addressed under § 25.1309(a)(2). However, if there is a risk that the failure of a system addressed under § 25.1309(a)(2) will result in electromagnetic emissions that affect the proper function of systems addressed under § 25.1309(a)(1), then formal methods such as testing or analysis may be used to evaluate the failure in lieu of a qualitative installation evaluation that uses engineering judgment to conclude that electromagnetic omissions would not occur.

Except for the foregoing changes, § 25.1309(a) is adopted as proposed.

3. Paragraph (b)

Section 25.1309(b) requires applicants to assess safety at the airplane level for airplane systems and associated components, evaluated separately and in relation to other systems, and requires that the airplane's systems and components meet certain reliability standards. In the NPRM, the FAA proposed to revise § 25.1309(b) to address design and installation so that each catastrophic failure condition is extremely improbable and does not result from a single failure, each hazardous failure condition is extremely remote, and each major failure condition is remote.

In this final rule, the FAA has adopted proposed § 25.1309(b)(1) through (b)(3) with no changes but revised § 25.1309(b)(4) and (b)(5) to align with the corresponding sections of EASA CS 25.1309.

Proposed § 25.1309(b)(4) would have required that significant latent failures (SLFs) be eliminated, except if the Administrator determined that doing so was impractical. If the applicant proved to the Administrator that such elimination was impractical, the regulation would have required the applicant to limit the likelihood of the SLF to 1/1000 between inspections. If the applicant proved that such limitation was impractical, then the proposed regulation would have required the applicant to minimize the length of time the failure would be present but undetected.

Garmin expressed concern that the 1/1000 requirement in proposed § 25.1309(b)(4)(i) could be burdensome without a cutset [24] limit because no matter how many cutsets deep the latent failure is (*e.g.,* 3, 4, 5, or more cutsets), it still would have to meet the 1/1000 requirement unless the applicant obtains agreement with the FAA that it has been adequately minimized. Thus, Garmin recommended that the FAA remove the 1/1000 requirement from § 25.1309(b)(4) to align with EASA and suggested that the 1/1000 requirement be moved to AC 25.1309–1B as one way to show the SLF is minimized. Garmin proposed that a cutset limit be applied to either the 1/1000 requirement within § 25.1309(b)(4) or to the definition of SLF if the FAA did not remove the 1/1000 requirement from § 25.1309(b)(4) in the final rule. The FAA agrees to remove the 1/1000 criteria from § 25.1309(b)(4) and include it in AC 25.1309–1B as a possible means of compliance. This change is consistent with the ASAWG recommendations that led to this rulemaking. Specifically, the ASAWG specific risk tasking report recommendations that the FAA require applicants to control specific risks of concern did not include a recommended limit latency requirement for all SLFs. The report only recommended a limit latency requirement of 1/1000 for CSL+1 failure combinations (ASAWG report, section 6.4.1.2).

ANAC, TCCA, and Bombardier requested the FAA harmonize § 25.1309(b)(4) with CS 25.1309(b)(4) by removing the 1/1000 criterion, while EASA requested the FAA provide a rationale for not harmonizing. The FAA agrees to harmonize § 25.1309(b)(4) with CS 25.1309(b)(4).

Both regulations address eliminating SLFs as far as practical and minimizing the latency of the SLF if such elimination is not practical. This ensures that the applicant evaluates each SLF, eliminates it when practical, and minimizes its latency if elimination is not practical. However, in this final rule, § 25.1309(b)(4) includes a new exclusion, requested by Garmin, from these proposed requirements for latent failures. This exclusion is described in the following paragraph.

Garmin requested that the FAA modify proposed § 25.1309(b)(4) to exclude the requirements for latent failures where the applicant meets the requirements of § 25.1309(b)(1) and (b)(2) with the latent failure assumed, in the applicant's risk assessment, to have already occurred, or where the applicant took no credit in that risk assessment for the latency period. The FAA agrees to add this exclusion to § 25.1309(b)(4)

[24] A cutset is a number of failures or events that when combined will result in a system failure.

because it meets the decision criteria that the specific risk of concern will be evaluated as per the 2010 ARAC ASAWG specific risk tasking report.[25] When a latent failure or the specific risk of concern is assumed as having occurred, its probability becomes 1 in the calculation of the failure condition. This probability of 1 is the same as stating that no credit is taken for a latency period. This is a difference between § 25.1309(b)(4) and CS 25.1309(b)(4) since EASA's rule does not contain this exclusion. The FAA does not expect this difference to be significant because the exclusion in § 25.1309(b)(4) allows applicants to use a conservative assessment of a failure condition to show compliance.

GAMA/AIA, Gulfstream, and Boeing requested language for the § 25.1309(b)(4) final rule that was different from what the NPRM proposed and what EASA published in CS–25. The commenters' proposal provides criteria for acceptance of SLFs that depend on the probability and severity of the outcome. The FAA did not update the rule language as suggested; however, the FAA has incorporated the approach as a means of compliance for the catastrophic failure conditions in AC 25.1309–1B. This approach also incentivizes development of practical designs that meet the safety objectives of § 25.1309(b)(1) and (b)(2). The approach for hazardous failure conditions was not included in AC 25.1309–1B since it was not considered in the 2010 ARAC ASAWG specific risk tasking report.

ANAC, Garmin, and Airbus requested changes to proposed § 25.1309(b)(4)(i) and (b)(4)(ii). The suggested changes are no longer relevant because paragraphs (i) and (ii) are not included in the § 25.1309(b)(4) final rule.

Proposed § 25.1309(b)(5) provided a new standard for limiting the risk of a catastrophic failure combination that results from two failures, either of which could be latent for more than one flight. ANAC stated that the criteria in proposed § 25.1309(b)(5) is significantly different from the criteria in CS 25.1309(b)(5) and these differences may burden applicants by requiring them to comply with two different sets of criteria and may result in different product configurations. TCCA commented that differences between the proposed FAA rule and CS–25, both in wording and intent, would result in significant difficulties and increase the burden on applicants, particularly given the inherent complexity of safety assessments both at system and aircraft level. EASA stated that having different criteria in § 25.1309(b)(5)(iii) and CS 25.1309(b)(5)(iii) would result in a duplication of effort for applicants. The FAA agrees that differences between FAA and EASA requirements could result in increased burden on applicants and civil aviation authorities. The final rule is therefore revised to improve harmonization, as described below.

Several commenters recommended changes to § 25.1309(b)(5). TCCA and ANAC recommended that the FAA fully harmonize § 25.1309(b)(5) and CS 25.1309(b)(5), while EASA encouraged the FAA to implement the same criteria as CS 25.1309(b)(5)(iii). GAMA/AIA and Garmin suggested the FAA harmonize § 25.1309(b)(5)(i) with CS 25.1309(b)(5)(i) by changing ''fault tolerance'' to ''redundancy.'' Boeing suggested the FAA update § 25.1309(b)(5)(ii) to ''. . . the residual average probability per flight hour of the catastrophic failure condition occurring due to all subsequent single failures is remote.'' Airbus and Gulfstream preferred that the FAA harmonize § 25.1309(b)(5)(iii) with CS 25.1309(b)(5)(iii), while GAMA/AIA preferred the FAA's proposed wording for § 25.1309(b)(5)(iii). Boeing suggested the FAA change § 25.1309(b)(5)(iii) to ''The probability of the latent failure occurring over its maximum exposure time does not exceed 1/1000.''

The FAA uses the term ''fault tolerance'' in § 25.1309(b)(5)(i) instead of ''redundancy'' as used in CS 25.1309(b)(5)(i) because the term ''redundancy'' could be interpreted as a prescriptive design requirement, and § 25.1309 is intended to be a performance-based rule. In this final rule, the FAA revised § 25.1309(b)(5)(ii) to refer to ''the residual average probability'' of the catastrophic failure condition following a single latent failure. The term ''residual average probability'' is the remaining probability of a failure condition given the presence of a single latent failure. This change aligns with the recommendations from the 2010 ARAC ASAWG specific risk tasking recommendation report, sections 6.3.1.6 and 6.3.1.7. The final rule uses ''all subsequent active failures'' rather than the proposed § 25.1309(b)(5)'s ''all subsequent single failures'' to ensure the applicant accounts for the residual average probability of all active failures in a failure condition. Finally, the FAA agrees to harmonize § 25.1309(b)(5)(iii) with CS 25.1309(b)(5)(iii) to ensure that combined probability of all the latent failures is accounted for as recommended by the commenters, except that the FAA uses ''active failure'' in § 25.1309(b)(5)(iii), instead of ''evident failure'' as used in CS 25.1309(b)(5)(iii). Having harmonized § 25.1309(b)(5)(iii) with CS 25.1309(b)(5)(iii), the FAA does not expect the differences in wording between § 25.1309(b)(5) and CS 25.1309(b)(5) to be burdensome to applicants.

4. Paragraph (c)

In the NPRM, proposed § 25.1309(c) would require the applicant to provide information concerning unsafe system operating conditions to enable the flightcrew to take corrective action and to show that the design of systems and controls, including indications and annunciations, minimizes crew errors that could create additional hazards. ANAC, TCCA, and Boeing requested the FAA revise proposed § 25.1309(c) to include ''in a timely manner'' as part of the corrective action to be taken by the flightcrew. The FAA has updated the final rule accordingly. This change more closely harmonizes § 25.1309(c) with CS 25.1309(c). In addition, the discussion of this proposal in the NPRM preamble refers to the importance of providing timely and effective annunciations to allow appropriate crew action.

TCCA requested that the FAA align the wording of proposed § 25.1309(c) with CS 25.1309(c). TCCA stated that the first sentence of proposed § 25.1309(c) does not correctly reflect the intent of the rule, which is for the airplane and systems to provide information to the flightcrew when necessary for safe operation. TCCA explained that ''the applicant must provide information'' could be interpreted as requiring the applicant to provide documentation or training instead of flightcrew alerts as intended. The FAA agrees and revised the first sentence of § 25.1309(c) to say that the airplane and systems provide the necessary information. This will harmonize the intent with the corresponding sentence in CS 25.1309(c).

To further harmonize with EASA's rule, the FAA revised the second sentence of § 25.1309(c) to require that systems and controls, including ''information,'' indications, and annunciations, be designed to minimize crew errors. ''Information'' refers to the same term used in the first sentence of § 25.1309(c) and has the same intent as used in § 25.1302.

5. Paragraph (d)

In the NPRM, the FAA proposed to move the requirements of § 25.1309(d) regarding mandatory methods showing compliance with § 25.1309(b) to guidance (AC 25.1309–1B). The NPRM

[25] ASAWG report, revision 5.0, Section 6.1.2, Figure 6–1.

proposed that new § 25.1309(d) would require applicants to establish ''Certification Maintenance Requirements,'' or CMRs, as limitations in the airplane's Instructions for Continued Airworthiness. Applicants have long used CMRs, such as mandatory inspections at scheduled intervals, to show that their proposed design complies with § 25.1309 and other part 25 regulations that establish reliability requirements.

In this final rule, however, the FAA is moving the CMR requirement to § 25.1309(e), as discussed in the following section. Accordingly, the FAA is revising § 25.1309(d) to ''Reserved'' as requested by Boeing, TCCA, and Safran. This will be a difference between § 25.1309(d) and CS 25.1309(d) because the latter states that applicants must assess Electrical Wiring Interconnection System (EWIS) per CS 25.1709. The FAA expects this difference to have no effect in practice because § 25.1309 is a general requirement that applies to all systems, including EWIS. In addition, § 25.1709 addresses system safety of EWIS, and § 25.1709 is harmonized with CS 25.1709.

6. Paragraph (e)

In the NPRM, the FAA proposed that § 25.1309(d) would require an applicant to establish CMRs to prevent development of the failure conditions described in § 25.1309(b) and to include these CMRs in the ALS. In the final rule, these requirements are now in § 25.1309(e).

The FAA's proposed CMR requirement referenced § 25.1309(b), which addresses catastrophic, hazardous, and major failure conditions. Boeing, GAMA/AIA, Gulfstream, and Garmin suggested that the requirement to establish CMRs in § 25.1309(d) be limited to CMRs that address catastrophic and hazardous failure conditions in § 25.1309(b)(1) and (b)(2). TCCA commented that the NPRM describes CMRs as tasks to detect safety significant failures that result in hazardous or catastrophic conditions but recommended that major failure conditions should also be considered.

The FAA declines to restrict the use of CMRs to catastrophic and hazardous failure conditions. Although a CMR is primarily used to establish a required maintenance task that would detect issues such as the wear out or a hidden failure of an item whose failure is associated with a hazardous or catastrophic failure condition, a CMR may also be used to detect a latent failure that would, in combination with one specific failure or event, result in a major failure condition. The SSA identifies the need for a scheduled maintenance task. It may be necessary for applicants to include a CMR in the ALS of the ICA for a major failure condition if the maintenance task is not provided in other areas of the ICA. An acceptable process for selecting CMRs is provided in AC 25–19A, Certification Maintenance Requirements.[26]

ANAC questioned whether the FAA intended proposed § 25.1309(d) to require CMRs for all failure conditions and requested the FAA clarify in the final rule language that CMRs be established ''as necessary.'' The FAA agrees to add the words ''as necessary'' to the final rule. As explained in AC 25–19A, the process of creating CMRs to control risk of failures described in § 25.1309(b) begins with identifying candidate CMRs (CCMRs) until a committee of experts determines they are CMRs. Thus, the FAA does not require CMRs for all failure conditions, and not every CCMR will become a CMR. Although adding ''as necessary'' results in different language between § 25.1309(e) and CS 25.1309(e), this difference does not affect harmonization between the FAA and EASA because the guidance for selecting CMRs is aligned.

Garmin requested the FAA reword proposed § 25.1309(d) to require the safety analysis to identify the CCMRs that must be dispositioned using a process acceptable to the Administrator to identify which CCMRs should be airworthiness limitations. Garmin stated that the proposed wording seems to preclude the use of AC 25–19A to first identify and classify CCMRs. The FAA does not agree with this request. The final rule requires CMRs to be established and included in the ALS of the airplane's ICA. The associated guidance in AC 25–19A provides a method of compliance, which includes identifying and dispositioning CCMRs as CMRs. The FAA also did not adopt the commenter's proposed change because it would result in a difference compared to corresponding EASA regulations and guidance.

Airbus commented that the word ''detect'' is more appropriate than the word ''prevent'' used in proposed § 25.1309(d) since failures will be detected during CMR tasks. The FAA did not replace ''prevent'' with ''detect'' since the intent of this rule is to prevent the development of the failure condition by detecting the existence of a latent failure.

[26] Available at *drs.faa.gov.*

I. Section 25.1365, Electrical Appliances, Motors, and Transformers

In the NPRM, the FAA proposed to remove the reference to § 25.1309(d) from § 25.1365(a) because § 25.1309(d) would no longer contain mandatory methods for demonstrating compliance with § 25.1309(b). GAMA/AIA and Gulfstream commented that the FAA should remove §§ 25.1431(a), 25.1351(a)(2), and 25.1365(a), as those regulations are redundant to or simply point to compliance with § 25.1309. The FAA does not agree with this request because removing §§ 25.1431(a), 25.1351(a)(2), and 25.1365(a) may have unintended consequences. In addition, removal of these regulations was not proposed in the NPRM. The FAA did not change this final rule as a result of this comment but has removed the reference to § 25.1309(d) from § 25.1365(a) as proposed in the NPRM.

J. Section H25.4(a) of Appendix H, Airworthiness Limitations Section

The FAA adopts § H25.4(a) of appendix H as proposed in the NPRM. The FAA received no comments on this section.

K. Miscellaneous Comments

1. Applicability of § 25.1309 to Electromagnetic Conditions

Bombardier commented that the NPRM preamble indicates that the FAA did not intend proposed § 25.1309(b) and the associated advisory material to change how type certificate applicants account for systems' exposure to high-intensity radiated fields (HIRF) and lightning. Bombardier requested that the FAA clarify whether this same principle applies to electromagnetic conditions in other regulations (*e.g.,* §§ 25.1353, 25.1431, 25.899). The FAA does not intend revised § 25.1309 and the associated advisory material to take precedence over or supersede how applicants address electromagnetic conditions in accordance with other regulations.

2. Revise Nonregulatory Definitions

This section addresses commenters' requests to revise definitions that the FAA provided in the NPRM preamble or in draft AC 25.1309–1B. The FAA also proposed in the NPRM that some of these definitions would be included in new § 25.4. The following paragraphs address the definitions of hazardous failure condition, latent failure, single failure, event, and failure condition.

The FAA included a table of definitions in the preamble of the NPRM. The table included some definitions given in proposed § 25.4 and

provided additional definitions that were not in proposed § 25.4. That table is not included in this final rule; applicants should instead refer to this preamble, final § 25.4 and AC 25.1309–1B. Relevant definitions are provided in § 25.4 Definitions or in the appropriate AC.

GAMA/AIA, Airbus, Boeing, Bombardier, and Garmin requested that the FAA remove the following language from the preamble definition of ''hazardous failure condition:'' ''Note: For the purpose of performing a safety assessment, a 'small number' of fatal injuries means one such injury.'' The commenters stated that considering a ''small number'' of fatal injuries to be one such injury for the purpose of performing safety assessments is too restrictive. This note was only in the preamble and not in the proposed regulatory definition in § 25.4, as the FAA considered it guidance on the application of the definition. The FAA agrees to remove this note from AC 25.1309–1B. The note is not included in AMC § 25.1309, nor was it included in any of the relevant ARAC recommendations. Given the difficulty and context-dependent nature of estimating whether a failure condition would result in one or multiple fatal injuries, the FAA finds that it is not necessary to define ''small number'' in order to provide the necessary separation between hazardous and catastrophic failure conditions. Historically, applicants have assessed this aspect of the definition of ''hazardous failure condition'' differently based on the size of the airplane, number of occupants, and fleet size. The FAA will continue to accept this practice.

ANAC commented that the FAA's definition of ''latent failure'' in the NPRM preamble table (''a failure that is not apparent to the flightcrew or maintenance personnel'') may be confusing since the maintenance crew will detect latent failures through periodic maintenance activities such as CMRs. ANAC recommended the FAA use the following definition of latent failure: ''A failure which is not detected and/or annunciated when it occurs.'' The FAA agrees and has updated the definition of ''latent failure'' in AC 25.1309–1B. Boeing, GAMA/AIA, TCCA, and Garmin requested that the FAA modify the definition of ''latent failure'' to include the qualifier ''for more than one flight'' to ensure consistent understanding and application. The FAA did not make this change because the definition of ''latent failure'' includes undetectable failures regardless of the latency period. AC 25.1309–1B has been updated to provide additional guidance on the appropriate duration of a latent failure; that is, an acceptable means of compliance to SLF minimization is to show that the failure would not be latent for more than one flight.

TCCA requested that the FAA clarify the intent of the phrase ''common causes'' as used in the NPRM preamble table's definition of single failure or state that common causes may include external events that are not considered failures (*e.g.,* bird strike). TCCA stated that the NPRM preamble and draft AC 25.1309–1B definitions of ''failure'' include a note that errors and events are not considered failures and that this creates an apparent conflict where the definition of single failures includes common causes. Airbus also stated that external events are not system failures and questioned whether external failure conditions should be explicitly excluded from § 25.1309 because they are already covered by their own regulations (*e.g.,* bird strike is specifically addressed under § 25.631). In response, the FAA has updated the single failure definition in AC 25.1309–1B to be the same as provided by the ARAC SDAHWG recommendations report that included a draft AC 25.1309 (see the ''Arsenal'' draft AC 25.1309).[27]

In addition, the FAA updated the note within the definition of ''failure'' in AC 25.1309–1B to remove the word ''events.'' In general, an SSA addresses how systems are affected by an external event, such as a bird strike, using a common cause analysis or a single event cause where the external event is assumed without a probability.

Bombardier stated that the FAA's definition of ''single failure'' in the preamble table was ambiguous and implied that a single failure would affect multiple ''components, parts or elements'' when most single failures will affect single components or parts. Bombardier requested the FAA revise the definition to ''a single occurrence that affects the operation of a component, part, or element such that it no longer functions as intended'' or not adopt the definition. The FAA updated the definition of ''single failure'' to ''any failure or set of failures that cannot be shown to be independent from each other'' in AC 25.1309–1B. The FAA did not make the requested change because the FAA intends that applicants treat a common mode failure of multiple components, parts, or elements as a ''single failure,'' and this connection would be lost if the FAA were to revise the definition as Boeing proposed.

TCCA recommended that the FAA consider changing the term ''event'' in the preamble table to ''external event'' to align with EASA CS–25, ARP4754B ''Guidelines for Development of Civil Aircraft and Systems,'' and ARP4761A. The FAA agrees and has updated ''event'' to ''external event'' in AC 25.1309–1B.

Boeing requested that the FAA address ''collisions (intentional or not)'' in the definition of ''event.'' Boeing stated that this change would provide clarity that collisions are not events to be considered as part of required safety assessments. Although the FAA updated the term ''event'' to ''external event'' in AC 25.1309–1B, the FAA did not change its definition in response to this comment. The definition of ''external events'' states that it does not cover sabotage or other similar intentional acts. Intentional collisions are intentional acts and, therefore, not an ''external event.'' Unintentional collision may be due to failure of onboard system equipment, which is excluded from this definition since its origin is not distinct from that of the airplane. Unintentional collision may be due to flightcrew error, which is already excluded.

The preamble table's definition of ''failure condition'' referenced a condition that affected ''the airplane, its occupants, or other persons.'' Bombardier requested that the FAA remove ''or other persons'' from this definition or provide guidance as to how applicants can assess potential effects on other persons and how these effects would relate to severity classification. The FAA declines to change the definition of ''failure condition'' in AC 25.1309–1B. The FAA included the words ''or other persons'' to account for the effects on persons other than the airplane occupants that applicants should take into consideration when assessing failure conditions for compliance with § 25.1309. AC 25.1309–1B provides guidance on the type of persons, the risks to be considered, and how applicants can classify the failure conditions given the effects on other persons that do not include airplane occupants. For example, ground maintenance crew involved in servicing the airplane while 'in-service' could have a risk of an inadvertent door coming open or thrust reverser movement.

[27] Available in the docket as part of the SDAHWG recommendation, ''Task 2—System and Analysis Harmonization and Technology Update,'' pp. 61–99, and at *www.faa.gov/regulations_policies/rulemaking/committees/documents/media/TAEsdaT2–5241996.pdf.*

3. Revise Other Regulations

In the NPRM, the FAA proposed that the revised § 25.1309(b) would not apply to single failures in the brake system because those failures are adequately addressed by § 25.735(b)(1). An individual commenter recommended changes to current § 25.735, ''Brakes and braking systems,'' stating that parts of § 25.735 are no longer relevant or need to be updated to reflect modern braking systems. The commenter requested changes to § 25.735 and corresponding changes to AC 25.1309–1B. Gulfstream also requested that the FAA add a paragraph to § 25.735 to address braking capability with all engines inoperative. The FAA does not agree with these requests. The FAA did not propose changes to § 25.735 in the NPRM, and such changes are outside the scope of this rulemaking.

GAMA/AIA and Bombardier requested that the FAA revise § 25.672, ''Stability augmentation and automatic and power-operated systems,'' in this rulemaking package. GAMA/AIA stated that proposed § 25.671(c) removed the failures that § 25.672 is referencing. Bombardier suggested that the FAA remove § 25.672(c) because the failures addressed under § 25.672(c) could be addressed entirely under § 25.1309(b) or clarify that the intent of § 25.672(c) does not apply to modern fly-by-wire aircraft. In addition, GAMA/AIA requested that the FAA add guidance for § 25.672 that reflects the recommendations made by the FTHWG. The FAA did not change this final rule or associated guidance material as a result of these comments. Revising § 25.672 is unnecessary because § 25.672(b) refers to failures specified in § 25.671(c), and the final rule for § 25.671(c) includes these failures. Section 25.672(c) contains requirements that are in addition to the requirements of § 25.1309(b). The FAA declines to add guidance at this time for § 25.672 based on recommendations made by the FTHWG because further discussion is needed to harmonize the guidance for § 25.672 with other regulatory authorities; the FAA notes these discussions are ongoing in a Certification Authorities for Transport Airplanes (CATA) harmonization activity.[28] The FAA does not agree to clarify that the intent of § 25.672(c) does not apply to modern fly-by-wire aircraft because the FAA has not made this determination.

4. Revise Cost-Benefit Analysis

Garmin commented on the NPRM that the cost-benefit analysis does not consider the impact on amended type certificate (ATC) or supplemental type certificate (STC) projects that would be considered significant under § 21.101, known as the Changed Product Rule. In addition, MARPA requested the FAA clarify the applicability of the SSA rule to parts manufacturer approval (PMA) applicants and STC applicants. If the SSA rule is applicable to PMA and STC applicants, MARPA requested that the FAA adjust the cost-benefit analysis accordingly, complete a Regulatory Flexibility Act analysis, and make the revised cost-benefit analysis and Regulatory Flexibility Act analysis available for comment in a supplemental NPRM.

This final rule updates the cost-benefit analysis to take account of the fact that the final rule closely harmonizes with the corresponding EASA rule. Since U.S. manufacturers already are required to meet the EASA requirements, the closely harmonized provisions of the final rule impose no or minimal costs. In future STC or ATC projects where the design change is determined under the Changed Product Rule to be a significant product level change, the Changed Product Rule will then require that the certification basis of those projects be updated. The cost-benefit analysis for the Changed Product Rule, however, has determined that the required updated certification basis for such projects is cost-beneficial.[29] PMAs (replacement articles) are managed in accordance with Subpart K to part 21. The final rule will apply only at that time in the future when a PMA (or non-significant STC) applicant seeks to modify a product that already has the final rule in its certification basis. Accordingly, the FAA finds that neither a Regulatory Flexibility Act analysis nor a supplemental NPRM is required.

Garmin commented that the cost discussion misses the fact that § 25.1309(b)(4), without a cutset limit, could result in additional costs to redesign the systems from what has historically been acceptable and conventional. Garmin also stated that the 1/1000 requirement could be applied to any level of cutset, which could drive design changes, and that there are additional costs to negotiate with the FAA to produce the analysis that proves 1/1000 is met or that latency is minimized; thus, the FAA should revise the cost-benefit analysis to include those costs.

In this final rule, the FAA is not adopting the 1/1000 requirement that it had proposed for § 25.1309(b)(4); that section will not apply if the associated system meets the average risk requirements of § 25.1309(b)(1) and (b)(2), assuming the SLF has occurred. Moreover, the FAA has moved the 1/1000 criterion to AC 25.1309–1B as guidance. These changes address the commenter's concern that proposed § 25.1309(b)(4) needed a minimal cutset limit. There may be demonstration or negotiation costs to show impracticality or minimization of the SLF latency, but these costs are already accounted for in the cost-benefit analysis of the Changed Product Rule, § 21.101.

Garmin questioned whether the FAA has adequately justified the cost of applying the specific risk criteria of proposed § 25.1309(b)(4) and (b)(5) to systems that have not historically had such a requirement. Garmin also requested that the FAA update the cost discussion for specific risk to acknowledge that for most of the aircraft systems the existing § 25.1309(b) is the right baseline. Given that in the final rule, the § 25.1309(b)(4) and (b)(5) requirements are closely aligned with the corresponding EASA requirements, the FAA responds that the correct baseline is the EASA rule since it is already in place. Using that baseline, the additional cost to manufacturers is, at most, minimal since manufacturers already have to meet the corresponding EASA requirements.

Garmin stated that if the FAA regulations remain different from EASA's, then the cost of an applicant's validation to differing expectations should be considered. Also, TCCA commented that the cost-benefit assessment could improve by increasing harmonization. As already noted, the FAA has increased the level of harmonization between the final rule and EASA CS–25, as compared to the NPRM, to such an extent that the remaining costs associated with this rulemaking are minimal.

5. Aircraft Certification, Safety, and Accountability Act

The preamble of the NPRM included a summary of the FAA's ongoing implementation of Section 115 of the Aircraft Certification, Safety, and Accountability Act (ACSAA). The FAA received one comment on these implementation activities, a supportive comment from ALPA. The FAA continues to take action to implement Section 115, including the revision of relevant guidance documents such as AC 25.1309–1B, which the FAA issued as part of this rulemaking.

6. Other

The FAA received a request from GAMA/AIA to include a file within the

[28] *www.faa.gov/aircraft/air_cert/design_approvals/transport/transport_intl/cata.*

[29] 65 FR 36266, June 7, 2000.

docket that contained the FAA's responses to all NPRM comments that the FAA received. The FAA does not agree with this request. This final rule discusses the comments in detail. Additionally, many comments on the NPRM are no longer relevant because the FAA has revised the final rule to increase harmonization with EASA CS–25.

The FAA also received comments from Airbus, Boeing, Bombardier, EASA, GAMA/AIA, and TCCA to revise specific preamble text of the NPRM. This final rule does not restate the entirety of the NPRM preamble, so specific editorial suggestions are not applicable, except as noted in the preceding discussion of definitions. No changes were made to this final rule in this regard.

K. Advisory Material

The FAA has issued three new ACs and revisions to two existing ACs to provide guidance material for acceptable means, but not the only means, of showing compliance with the regulations in this final rule. These ACs are available in the public docket for this rulemaking:

- AC 25.671–1, *Control Systems—General.*
- AC 25.901–1, *Safety Assessment of Powerplant Installations.*
- AC 25.933–1, *Unwanted In-Flight Thrust Reversal of Turbojet Thrust Reversers.*
- AC 25.629–1C, *Aeroelastic Stability Substantiation of Transport Category Airplanes.*
- AC 25.1309–1B, *System Design and Analysis.*

VI. Regulatory Notices and Analyses

Federal agencies consider impacts of regulatory actions under a variety of executive orders and other requirements. First, Executive Order 12866 and Executive Order 13563, as amended by Executive Order 14094 (''Modernizing Regulatory Review''), direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify the costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate that may result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more annually (adjusted annually for inflation) in any one year. The current threshold after adjustment for inflation is $183,000,000, using the most current (2023) Implicit Price Deflator for the Gross Domestic Product. The FAA has provided a detailed Regulatory Impact Analysis (RIA) in the docket for this rulemaking. This portion of the preamble summarizes the FAA's analysis of the economic impacts of this final rule.

In conducting these analyses, the FAA determined that this final rule (1) has benefits that justify its costs; (2) is not significant under section 3(f)(1) of Executive Order 12866 as amended; (3) will not have a significant economic impact on a substantial number of small entities; (4) will not create unnecessary obstacles to the foreign commerce of the United States; and (5) will not impose an unfunded mandate on State, local, or tribal governments, or on the private sector. These analyses are summarized below.

A. Regulatory Evaluation

1. Summary of Rule Provisions

In the NPRM, the FAA proposed to amend certain airworthiness regulations to standardize the criteria for conducting safety assessments for systems, including flight controls and powerplants, installed on transport category airplanes. This final rule generally is adopted as proposed. In some provisions, the FAA has increased the level of harmonization between the final rule and EASA CS–25, as compared to the NPRM, to such an extent that the remaining costs associated with this rulemaking are minimal.

The predominant action of the final rule will:

- Require applicants to minimize, to the extent possible, the problem of significant latent failures (SLFs), a problem that is highlighted in the case of catastrophic dual failures, where a latent failure can leave the airplane one active failure away from a catastrophic accident.

The rule also:

- Institutes an ''airplane-level'' SSA that will integrate and, to the extent possible, standardize safety assessment criteria across critical airplane systems:
  - Reflecting the much greater integration of modern aircraft systems (*e.g.,* avionics and fly-by-wire systems) as compared to what they were when the current safety criteria in § 25.1309 and other system safety assessment rules were established in 1970.[30]
  - Including removal of general systems safety criteria from § 25.901(c) [Powerplant Installation] and pointing to § 25.1309 (General System Safety Criteria) for these criteria, and allowing a ''reliability'' (§ 25.1309) option in addition to the current ''controllability'' requirement for developing designs for turbojet thrust reversing systems (§ 25.933).
- Requires CMRs to identify and restrict exposure to the SLF conditions addressed in § 25.1309 and requires CMRs to be contained in the ALS of the ICA.
- Updates SSA requirements in order to address new technology in flight control systems and the effects these systems can have on airplane controllability.
  - For airplanes equipped with fly-by-wire control systems, compensates for a lack of direct tactile link between flightdeck control and control surface by providing natural or artificial control feel forces or flightcrew alerting
- Requires assessment of the effect of system failures on airplane structural loads.
- Revises applicability of the requirement that equipment and systems perform their intended functions:
  - Broadens the applicability of § 25.1309 to include any equipment or system installed in the airplane regardless of whether it is required for type certification, operating approval, or is optional equipment.
  - Allows equipment associated with passenger amenities (*e.g.,* entertainment displays and audio systems) not to work as intended as long as the failure of such systems would not affect airplane safety.

2. Cost and Benefits of the Final Rule

As discussed below, the FAA finds that all provisions of this final rule are closely harmonized with corresponding EASA provisions already in effect. This means that manufacturers face no additional cost because they already have to meet the EASA requirements, and in most cases, the provisions of this final rule are cost-beneficial owing to reduced costs from joint harmonization. Some provisions of the final rule are cost-relieving. Moreover, most, if not all, of the rule provisions are already in effect owing to industry practice, ELOS findings, or special conditions.[31] There

[30] 35 FR 5665 (Apr. 8, 1970).

[31] The FAA issues special conditions when we find that the airworthiness regulations for an

Continued

is no additional cost for provisions that are already voluntary industry practice or voluntary ELOS findings. Special conditions have been required, but owing to the long duration of these special conditions (20–40 years), the FAA finds that they are now accepted by industry as the low-cost actions for the issues addressed, so there is no change with codification and, therefore, no additional cost. The FAA asked for comments on this last finding in the NPRM and received none.

a. Section 25.1309 Equipment, Systems, and Installations

There was no change to § 25.1301 in the final rule compared to the NPRM, and there were no changes to § 25.1309(a) in the final rule except for a small change in § 25.1309(a)(2) to match the ARAC language and to harmonize with EASA.

The rule revises current § 25.1309(a) into two paragraphs. Section 25.1309(a)(1) revises the applicability of the § 25.1309(a) requirement that equipment and systems perform their intended function. Section 25.1309(a)(1) clarifies that the rule applies to any equipment or system installed in the airplane regardless of whether it is required for type certification, operating approval, or is optional equipment. As this requirement harmonizes closely with EASA's corresponding requirement, with which part 25 manufacturers are already required to comply, there is no additional cost. However, the requirement has reduced costs from joint harmonization and, therefore, will be cost-beneficial.

Along with an associated change to § 25.1301, ''Function and Installation,'' § 25.1309(a)(2) will allow equipment associated with passenger amenities (*e.g.,* entertainment displays and audio systems) not to function as intended as long as the failure of such systems do not affect airplane safety. No safety benefit is derived from demonstrating that such equipment performs as intended if failing to perform as intended will not affect safety. Accordingly, this change will reduce the certification cost of passenger amenities for airplane manufacturers without affecting safety; therefore, this change is cost-beneficial.

i. Sections 25.1309(b)(1), (b)(2), and (b)(3) (Average Risk and Fail-Safe Criteria)

The current rule requires that airplane systems and associated components be designed so that any failure condition that ''would prevent the continued safe flight and landing of the airplane'' (catastrophic failure condition) is ''extremely improbable,'' a condition specified in AC 25.1309–1A (6–21–1988) as ''on the order of $\leq 10^{-9}$ per flight hour.'' This is the traditional ''average risk'' requirement and is retained in the final rule at § 25.1309(b)(1)(i).

The current rule requires any failure condition that ''would reduce the capability of the airplane or the ability of the crew to cope with adverse operating conditions'' to be ''improbable'' (on the order of $10^{-9} < p \leq 10^{-5}$), a failure condition specified in current AC 25.1309–1A as ''major.'' Current practice, however, has been to use the SDAHWG recommended ''Arsenal'' draft AC 25.1309 (6–10–2002) under which the previous ''major'' failure condition has been divided into two categories: ''hazardous'' (on the order of $10^{-9} < p \leq 10^{-7}$) and ''major'' (on the order of $10^{-7} < p \leq 10^{-5}$), categories that have been incorporated into this final rule in § 25.1309(b)(2) and (b)(3). These changes can be thought of as the average risk criteria for hazardous and major failure conditions.

As it harmonizes with corresponding EASA major and hazardous categories and is current industry practice, this rule change is cost-beneficial as it entails no additional costs but is cost-beneficial from reduced costs of joint harmonization. The FAA asked for comments on this finding but received none. Moreover, the rule structure and intent are in perfect harmony with EASA's corresponding requirements and, therefore, will entail no additional cost to manufacturers.

As recommended by the SDAHWG, § 25.1309(b)(1)(ii) will explicitly require that single failures must not result in catastrophic failures—the ''no single failure'' fail-safe requirement. As it harmonizes with the equivalent EASA requirement and is already current industry practice, this requirement is cost-beneficial as it entails no additional costs but has reduced costs from joint harmonization.[32]

ii. Sections 25.1309(b)(4) and (b)(5) (Specific Risk Criteria)

Sections 25.1309(b)(4) and (b)(5) represent the predominant change to existing SSA requirements in that they are adding specific risk approaches to SSA to supplement the traditional average risk approach in order to address the problem of latent failures.

Section 25.1309(b)(4) requires the elimination of SLFs to the extent practical, or, if not practical, to minimize them so as to limit situations where the airplane is one failure away from a catastrophic accident. (This is particularly important in the case of catastrophic CSL+1 dual failures specifically addressed in the section on § 25.1309(b)(5) immediately following.) The NPRM also required that the product of the maximum time the latent failure is expected to be present and its average failure rate not exceed 1/1000. Based on comments on the NPRM that this requirement was onerous and not in harmony with EASA, this provision was moved to AC 25.1309–1B, System Design and Analysis, as a possible means of compliance.

Several commenters on the NPRM also pointed out that, in many cases, it would be wasteful to require analysis of an SLF with sufficient redundancy that the average risk criteria continued to hold even when setting the SLF probability to unity.[33] Consequently, § 25.1309(b)(4) does not apply in those cases. This exception is not in the corresponding CS 25.1309(b)(4), but even with this difference, compared to the NPRM, this provision is more closely harmonized with the EASA provision as the FAA has removed an intermediate step—the less than 1/1000 criterion—that is not in the EASA rule and moved it to AC 25.1309–1B.

Accordingly, the FAA finds no costs to this provision as manufacturers already have to comply with a corresponding EASA provision. Moreover, elimination of SLFs when practical is already industry practice. Since the provision entails no costs, the FAA finds the rule to be cost-beneficial because of reduced costs from joint harmonization.

aircraft, aircraft engine, or propeller design do not contain adequate safety standards, because of a novel or unusual design feature. These special conditions stay in place until they are replaced by adequate regulations, as is done in this rulemaking.

[32] The no single failure requirement was inadvertently removed in 1970 but remained industry practice. At the same time, the no single failure requirement was made explicit for flight controls, and in 1977 was made explicit for powerplants.

[33] SLFs are identified at the beginning of an SSA, or during a Preliminary SSA, in which the manufacturer undertakes a functional hazard assessment on the basis of which a hazard's ''hazard classification'' is validated as catastrophic, hazardous, etc. These evaluations are qualitative and are independent of ''average'' risk criteria that a catastrophic failure condition should be ''extremely improbable'' or $\leq 10^{-9}$, or that a hazardous failure condition should be ''extremely remote'', or $\leq 10^{-7}$.

iii. Section 25.1309(b)(5) (CSL+1 Dual Failures)

A ''CSL+1 (Catastrophic Single Latent Plus One)'' refers to a catastrophic failure condition caused by a single latent failure and an active (evident) failure. Section 25.1309(b)(5)(i), adopted as proposed, is similar to § 25.1309(b)(4) in that it also requires the dual failure to be eliminated if practical. An example is an AD action that eliminated the CSL+1 dual failure that caused the catastrophic Lauda Air Flight 004 (1994); the AD required that a third lock be added to the thrust reverser system. This change converted the dual failure condition to a triple failure condition and removed the airplane from a situation where it was one failure away from a catastrophic accident.

If the dual failure condition cannot be eliminated, additional control is appropriate beyond the traditional ''extremely improbable'' (average risk) requirement applied to a combination of failures. The additional control takes the form of two specific risk criteria: (1) a requirement to ''limit residual probability'' (§ 25.1309(b)(5)(ii)) and (2) a ''limit latency'' requirement (§ 25.1309(b)(5)(iii)).

The requirement to limit the residual probability limits the probability of a catastrophic failure in the presence of a latent failure to be ''remote'' (on the order of $\leq 10^{-5}$). So, this requirement limits the risk of a catastrophic accident in the situation where a latent failure has occurred, and the airplane is a single failure away from a catastrophic accident.[34] The limit latency requirement limits the probability of the latent failure itself to be ≤1/1000 so as to limit the time between maintenance inspections, that the airplane is operating one failure away from a catastrophic accident.[35] [36] There are no substantial changes to § 25.1309(b)(5) in the final rule compared to the NPRM.

The FAA finds that § 25.1309(b)(5) is in perfect harmony with CS 25.1309(b)(5) in structure and intent and closely harmonizes in rule language. Accordingly, there is no cost to this provision because manufacturers already have to comply with an equivalent EASA requirement. Therefore, this rule is cost-beneficial because of reduced costs from joint harmonization.

iv. Section 25.1309(c) (Flightcrew Alerting)

Section 25.1309(c) currently requires that warning information be provided to the flightcrew to alert them to unsafe system operating conditions and to enable them to take appropriate corrective action. Revised § 25.1309(c) requires that information be provided to the flightcrew concerning unsafe system operating conditions, rather than requiring only warnings and, in a change to the NPRM that more closely harmonizes with the corresponding EASA provision, that it be provided in a timely manner. The revision will remove an incompatibility with § 25.1322, which allows other sensory and tactile feedback from the airplane caused by inherent airplane characteristics to be used in lieu of dedicated indications and annunciations if the applicant can show such feedback is sufficiently timely and effective to allow the crew to take corrective action.

These changes closely harmonize § 25.1309(c) with CS 25.1309(c). Owing to close harmonization with EASA's rule already in place, there is no cost entailed by these rule changes.

v. Section 25.1309(d) (Reserved)

Current § 25.1309(d) specifies that compliance to § 25.1309(b) must be shown by analysis and appropriate testing, and must consider possible modes of failure, including malfunctions and damage, and also that the assessment considers crew warning cues, corrective action required, and the capability of detecting faults. With this rulemaking, for two reasons, the FAA moves that content to AC 25.1309–1B, along with expanded guidance on the safety assessment process: (1) Section 25.1309 is a performance-based regulation for which methods of compliance are more appropriately provided in guidance, and (2) the items for consideration listed in § 25.1309(d) constitute an incomplete method of compliance to § 25.1309(b). This change is cost-beneficial because requirements have been relegated to guidance material, giving manufacturers greater flexibility.

CS 25.1309(d) simply states that EWIS must be assessed per CS 25.1709. The current FAA rule has the same requirement in § 25.1309(f), but it was removed in the NPRM on the basis of redundancy, and proposed § 25.1309(d) was used for the CMR requirement. In the final rule, the CMR requirement has been moved to § 25.1309(e) (see next section) and § 25.1309(d) is now reserved.

vi. Section 25.1309(e) and H25.4 (Certification Maintenance Requirements)

CMRs are inspection and maintenance tasks and associated inspection intervals that are used to identify and restrict exposure of critical airplane safety systems to catastrophic and hazardous failure conditions, including wear-related failures. An example highlighting the importance of CMRs is the catastrophic crash of Alaskan Airlines, Flight 261, in the Pacific Ocean off the California coast on January 31, 2000, killing all 88 passengers and crew.[37] The NTSB determined that the probable cause of this accident was a catastrophic loss of airplane pitch control resulting from in-flight failure of the jackscrew assembly of the horizontal stabilizer trim system. That failure was related to maintenance of this system, specifically the accelerated excessive wear of a critical part as a result of insufficient lubrication.

Section 25.1309(e) is a new provision [38] requiring that CMRs be established, as necessary, to prevent catastrophic and hazardous failure conditions, and occasionally, major failure conditions, described in § 25.1309(b). The CMR requirement was proposed in § 25.1309(d) in the NPRM. The ''as necessary'' qualifier was added in the final rule to clarify that the FAA does not require CMRs for all failure conditions. Section 25.1309(e) also will require these CMRs to be contained in the ALS of the ICA required by § 25.1529. This latter requirement is an industry recommendation via the SE–172 Taskforce to the Commercial Aviation Safety Team (CAST) [39] and responds to the Taskforce's recognition that CMRs are critical to safety and should have treatment similar to other Airworthiness Limitations.

Both of these requirements will codify industry practice and will harmonize with CS 25.1309 and H25.4, so industry will incur no additional costs. The rule is cost-beneficial from reduced costs of joint harmonization.[40]

[34] More generally, if multiple active failures could cause a catastrophic accident in the presence of the latent failure, the average probability (per flight hour) of these active failures must be remote.

[35] More generally, the sum of the probabilities of the latent failures combined with an active failure must be ≤ 1/1000.

[36] Since the 10^{-9} average risk criterion must also be met, if residual risk is on the order of 10^{-5}, the latent failure rate must be 10^{-4} or less. Conversely, if the latent failure rate is at 10^{-3}, residual risk must be on the order of 10^{-6} or less.

[37] NTSB Safety Recommendation A–02–51 is available in the docket and at *www.ntsb.gov/safety/safety-recs/recletters/A02_36_51.pdf.*

[38] The NPRM § 25.1309(e) specified that the flight control jam conditions addressed by § 25.671(c) do not apply to § 25.1309(b)(1)(ii). This exclusion is now in the introductory paragraph of § 25.1309.

[39] *skybrary.aero/sites/default/files/bookshelf/2553.pdf.*

[40] EASA. Certification Specifications and Acceptable Means of Compliance for Large

Continued

vii. Section 25.1309(f) (Removed)

The FAA has removed paragraph (f) from § 25.1309 and paragraph (b) from § 25.1301. Section 25.1301(b) requires that the airplane's EWIS meet the requirements of subpart H of 14 CFR part 25. Subpart H was created (at amendment 25–123, in 2007) as the single place for the majority of wiring certification requirements. The references in §§ 25.1301(b) and 25.1309(f) are redundant and unnecessary because subpart H specifies their applicability. The NPRM § 25.1301(f) was used to specify exceptions to § 25.1309(b), which are now provided in the introduction of § 25.1309.

b. Section 25.629 Aeroelasticity Stability Requirements

The FAA is revising § 25.629(a) to add wording to clarify that the aeroelastic evaluation must include any condition of operation within the maneuvering envelope. This is current industry practice because such conditions are allowed operational conditions and, therefore, need to be free from aeroelastic instabilities. Also, this requirement is stated explicitly for part 23 airplanes in 14 CFR part 23 and CS–23. The FAA is also revising § 25.629(a) to consistently use the singular term ''evaluation'' where it appears in order to prevent confusion.

Section 25.671(c)(2) currently specifies examples of failure combinations that require evaluation, including dual electrical and dual hydraulic system failures and any single failure combined with any probable hydraulic or electrical failure. Section 25.629(d)(9) currently requires that the airplane be shown to be free from flutter considering various failure conditions considered under § 25.671, which include the example failure conditions specified in § 25.671(c)(2). These examples are being removed from current § 25.671(c)(2). These failure conditions, however, have provided an important design standard for dual actuators on flight control surfaces that rely on retention of restraint stiffness or damping for flutter prevention. Therefore, the FAA relocates these examples to the aeroelastic stability requirements of § 25.629(d) and made changes to the paragraph numbers to correspond with EASA's rule, as requested by commenters. These changes are cost-beneficial owing to complete harmonization with the corresponding CS 25.629 provision.

The NPRM also proposed a change to § 25.629(b) that would require that design conditions include the range of load factors specified in § 25.333. Commenters objected that the proposed change was an expansion of the traditional scope of § 25.629, and it disharmonized with EASA requirements. The FAA agreed to remove the proposed change to § 25.629(b), substituting an alternative change in § 25.629(a), clarifying that aeroelastic evaluation must include any condition of operation within the maneuvering envelope. This revision has no cost as it is clarifying and is current industry practice.

c. Section 25.671 General (Control Systems)

i. Section 25.671(a), (d), (e), and (f) (Control Systems)

The substantive revisions to these requirements are the new criteria in the second sentence of § 25.671(a); the addition of the phrase, ''and an approach and flare to a landing and controlled stop, and flare to a ditching, is possible'' in § 25.671(d); and the new requirements in § 25.671(e) and (f). The modification to § 25.671(d) clarifies that controllability when all engines fail includes the capability to approach and flare to a landing and controlled stop, and flare to a ditching, and harmonizes with CS 25.671(d). In the NPRM, § 25.671(d) includes the sentence: ''The applicant may show compliance with this requirement by analysis where the applicant has shown that analysis to be reliable.'' This sentence is not included in the final rule as it describes an acceptable means of compliance, which is adequately covered in the corresponding guidance.

The new paragraph (e) of § 25.671 requires that the airplane be designed to indicate to the flightcrew whenever the primary control means are near the limit of control authority. On airplanes equipped with fly-by-wire control systems, there is no direct tactile link between the flightdeck control and the control surface, and the flightcrew may not be aware of the actual control surface position. If the control surface is near the limit of control authority, and the flightcrew is unaware of that position, it could negatively affect the flightcrew's ability to control the airplane in the event of an emergency. The airplane could meet this requirement through natural or artificial control feel forces, by cockpit control movement if shown to be effective, or by flightcrew alerting that complies with § 25.1322.

The new paragraph (f) of § 25.671 requires that appropriate flight crew alerting be provided if the flight control system has multiple modes of operation whenever the airplane enters any mode that significantly changes or degrades the normal handling or operational characteristics of the airplane. On some flight control system designs, there may be sub-modes of operation that change or degrade the normal handling or operational characteristics of the airplane. Similar to control surface awareness, the flightcrew should be made aware if the airplane is operating in such a sub-mode. Aside from the one change already noted, there are no substantial changes to § 25.671(a), (d), (e), and (f) in the final rule compared to the NPRM.

Manufacturers face little or no additional cost from these provisions because they are already required by CS 25.671 in language that exactly matches § 25.671 in language structure and closely matches § 25.671 in the language itself. Therefore, there is no additional cost resulting from these provisions. Moreover, since industry has been meeting the new criteria in § 25.671(a), (e), and (f) under special conditions since the early 1980s, the FAA believes that industry now accepts § 25.671(a), (e), and (f) as necessary low-cost actions. Again, there is no additional cost. For this reason, the FCHWG recommended these new criteria with little debate.

ii. Section 25.671(b) (Minimize Probability of Incorrect Assembly)

Section 25.671(b) is revised to allow distinctive and permanent marking for flight control systems to minimize the probability of incorrect assembly only when design means are impractical. Aside from minor language changes, there are no changes to this provision in the final rule relative to the NPRM. It is expert consensus that the physical prevention of misassembly by design is safer than reliance on marking, which can be overlooked or ignored. Although not flight control related, fuel tank access doors provide an example. Since these doors are required to have greater strength because of the location, fuel tank access door systems are designed so that other doors will not securely fit in the fuel tank access door openings.

Since distinctive and permanent marking to minimize the probability of incorrect assembly is disallowed only when design means are practical, the expected gain in safety benefits from the reduced probability of incorrect assembly is greater than the costs of the rule revision.

Accordingly, the FAA finds this provision to be cost-beneficial. The FAA

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requested comments on this finding and received none. In any case, manufacturers face no additional cost because § 25.671(b) closely aligns with CS 25.671(b) with which they must already comply.

iii. Section 25.671(c) (Flight Control Jams)

For flight controls, revised § 25.671(c) is analogous to § 25.1309(b) in having requirements for the single failure (§ 25.671(c)(1)), the combinational failure (§ 25.671(c)(2)), and specific risk (§ 25.671(c)(3)). Sections 25.671(c)(1) and (c)(2) have some language changes, but the intent of each provision is unchanged from the current rule. The NPRM proposed to remove § 25.671(c)(1) and (c)(2) because all single and combinational failures are covered by the foundational § 25.1309. However, the FAA agrees with commenters that § 25.671(c)(1) and (c)(2) should be retained because removal would disharmonize with EASA's corresponding requirements and because different means of compliance are normally used for § 25.671(c) and § 25.1309(b). Accordingly, paragraphs (c)(1) and (c)(2) of current § 25.671 are retained in the final rule. Section 25.671(c)(3) is revised as follows:

(1) In § 25.671(c)(3), the FAA clarifies that the provision applies only to jams due to a physical interference (*e.g.,* foreign or loose object, system icing, corroded bearings). All other failures or events that result in either a control surface, pilot control, or component being fixed in position are addressed under § 25.671(c)(1) and (c)(2) and § 25.302 where applicable.

(2) Section 25.671(c)(3) no longer addresses a runaway of a flight control surface and subsequent jam. A failure that results in uncommanded control surface movement is addressed by § 25.671(c)(1) and (c)(2).

(3) Section 25.671(c)(3)(iii) is a new requirement specifying that given a jam, the combined probability is 1/1000 or less that any additional failure conditions could prevent continued safe flight and landing. This requirement is to ensure adequate reliability of any system necessary to alleviate the jam when it occurs. This specific risk requirement is analogous to the 1/1000 latent specific risk requirement for potential catastrophic single latent failure plus one (CSL+1) failure conditions discussed above for § 25.1309(b)(5), which is required to ensure a safety margin in the event of an active failure.

(4) While current § 25.671(c)(3) allows the use of probability analysis, applicants have generally been unable to demonstrate that jamming conditions are ''extremely improbable,'' except for conditions that occur during a very limited time just prior to landing. Because of this issue with probability assessment for jams, the FAA has revised § 25.671(c)(3) to require that the manufacturer's safety assessments assume that jamming conditions will occur—probability set equal to one—when showing that the airplane is capable of continued safe flight and landing. For the same reason, the jamming conditions of § 25.671(c)(3) are excluded from the probability requirements of § 25.1309(b).

The assumption that the jam will occur—and that the airplane will be able to withstand it—does not apply to jamming conditions that occur immediately before touchdown if the risk of a jam is minimized to the extent practical. For jams that occur just before landing, some amount of time and altitude is necessary in order to recover, and there is no practical means by which a recovery can be demonstrated. Hence the requirement that the risk of a jam be minimized to the extent practical. (This is a change from the NPRM where the requirement was that the applicant show that such jams are extremely improbable.) This change creates a difference in the language of § 25.671(c)(3)(ii) and CS 25.671(3)(ii) because EASA does not have this exception in its rule.

In its Acceptable Means of Compliance (AMC) § 25.671, however, EASA states that, ''if continued safe flight and landing cannot be demonstrated, perform a qualitative assessment of the design, relative to jam prevention and jam alleviation means, to show that all practical precautions have been taken . . . .'' Consequently, the FAA expects the difference between § 25.671(c)(3)(ii) and CS 25.671(c)(3)(ii) to have no effect in practice. There are no additional substantial differences between the final rule and the NPRM with respect to § 25.671(c)(3).

Section 25.671 has changed from the NPRM to the point where it is almost perfectly aligned in structure and intent, and closely aligned in text language, with CS 25.671. Section 25.671 is now so closely aligned that there is no additional cost from the FAA provision because manufacturers already have to meet the EASA provision. Moreover, as already noted, industry has been meeting the new criteria in § 25.671(a), (e), and (f) under special conditions since the early 1980s. Because of that experience, the FAA believes that manufacturers now accept these special conditions as the low-cost necessary actions. Again, there is no additional cost. Finally, the FAA believes that § 25.671(c)(3) is already accepted as the low-cost industry practice as it has been used by many manufacturers under a voluntary ELOS.

d. Section 25.901 Installation (Powerplants)

The revision to § 25.901(c) moves basic systems safety criteria to § 25.1309 and is finalized as proposed. In so doing, § 25.901(c) clarifies that § 25.1309 applies to powerplant (engine) installations, as it does for all airplane systems. Accordingly, the current provision in § 25.901(c) prohibiting catastrophic single failures or probable combinations of failures is removed. Design requirements do not change as a result of this revision to the rule.

There are no substantial changes in the final rule compared to the NPRM. The revision exactly harmonizes the structure and very closely harmonizes the text of § 25.901(c) with EASA's corresponding CS 25.901(c). Accordingly, the revision is cost-beneficial as it provides reduced costs from joint harmonization since manufacturers already must already comply with CS 25.901(c). The FAA asked for comments on this finding in the NPRM and received none.

e. Section 25.933 Reversing Systems (Controllability and Reliability Options)

In the event of an inadvertent activation of the thrust reverser during flight, current § 25.933(a) requires that the airplane be capable of ''continued flight and landing.'' The service history of airplanes certified under the current rule—most prominently, the aforementioned catastrophic Lauda Air accident in Thailand—has demonstrated that the intent of this ''fail-safe'' requirement had not been achieved. As discussed in the section on § 25.1309(b)(5) above, the catastrophic failure condition that caused the Lauda Air accident was corrected by adding redundancy to convert a dual failure condition to a triple failure condition. This revision to § 25.933(a) further addresses the thrust reverser issue with a revised § 25.933(a)(1)(i) that retains ''controllability'' from the current rule as an option, but also revises § 25.933(a)(1)(ii) to provide an additional ''reliability'' option using the requirements of § 25.1309(b).[41] The

[41] It should be noted that the controllability option would still require compliance with § 25.1309. But when an applicant demonstrates compliance using the controllability option, that ensures that an unwanted thrust reversal in flight would be classified at worst as a ''major'' failure,

Continued

reliability option recognizes that § 25.1309 applies to all systems. There are no substantial differences between the final rule and the NPRM with respect to § 25.933(a).

The final rule (and NPRM) for § 25.933(a) is in close harmony with the corresponding CS 25.933(a) as it is identical in rule structure and intent. Accordingly, there is no additional cost to this rule as manufacturers already have to comply with CS 25.933(a). Moreover, § 25.933(a) is cost-beneficial as it allows flexibility in design development, enabling manufacturers to achieve the intended level of safety in the most cost-effective manner.

f. Section 25.302 Interaction of Systems and Structures

There are many technical differences between the NPRM and the final rule. Nine major commenters, including Boeing and Airbus, asked the FAA to harmonize with EASA CS 25.302, even to the extent of using the same language and paragraph numbering. Commenters noted that CS 25.302 matches the FAA Interaction of Systems and Structures special condition that has been used for many years. Commenters stated that the differences between FAA and EASA requirements would create a substantial certification burden. The FAA agrees with the commenters and, except where discussed below, has agreed to match the language and structure of EASA's rule to the extent possible.

i. Section 25.302(b) System Fully Operative

The applicant must derive limit loads [42] for the limit conditions specified in subpart C, taking into account the behavior of the system up to the limit loads. The applicant must show that the airplane meets the strength requirements of subparts C and D, using the appropriate factor of safety to derive ultimate loads from these limit loads. Section 25.302(b) is less verbose than the corresponding EASA text but uses some of the same language and has the same intent as EASA's version. Since § 25.302(b) harmonizes with EASA CS 25.302(b), there are no incremental costs from paragraph (b), and the provision is cost-beneficial because of joint harmonization.

ii. Section 25.302(c) System in the Failure Condition

This section applies for any failure condition not shown to be extremely improbable or that results from a single failure. CS 25.302(c) requires the evaluation of any system failure condition not shown to be extremely improbable but does not explicitly mention single failures. Nevertheless, evaluation of single failures would be required when evaluating CS 25.302. This is because single failures cannot be shown by a probability analysis to be extremely improbable. As noted in AC 25.1309–1A, dated June 21, 1988, ''In general, a failure condition resulting from a single failure mode of a device cannot be accepted as being extremely improbable.'' Extremely improbable failure conditions are those having an average probability per flight hour of 1×10^{-9} or less. The FAA would not accept a probability analysis showing a single failure to be extremely improbable because such an estimation would not be considered reliable. An unreliable estimate could inadvertently result in a level of risk that was unsafe and not justified by any cost savings obtained. Accordingly, the FAA finds to be cost-beneficial the requirement of § 25.302(c) to evaluate any system failure condition resulting from a single failure.

At the time of occurrence, the applicant must determine the loads occurring at the time of failure and immediately after failure. For static strength substantiation, the airplane must be able to withstand the ultimate loads determined by multiplying the loads by a factor of safety related to the probability that the failure occurs. The factor of safety (F.S.) is shown in Figure 1.

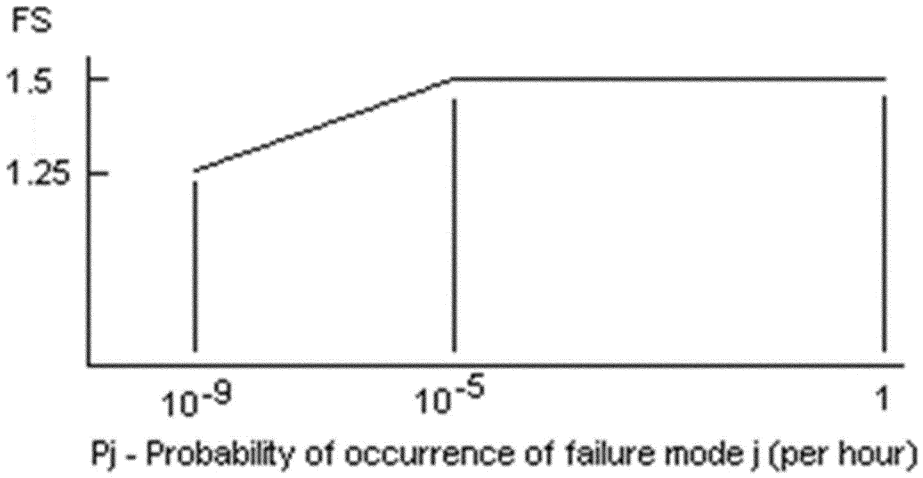

Figure 1 Factor of safety at the time of occurrence

Figure 1 shows the factor of safety to be constant at 1.5 between a probability of failure of 1.0 and 10^{-5}, and between 10^{-5} and 10^{-9} declines linearly from 1.5 to 1.25 as Pj goes from 10^{-5} to 10^{-9}, where Pj is the probability of failure. The factor of safety is not allowed to be below 1.5 at high probabilities of failure ($>10^{-5}$). For low probabilities of failure ($<10^{-5}$), the F.S. falls as the probability of failure falls but is not allowed to be less than 1.25 as the probability of

thereby making compliance with § 25.1309(b) much easier.

[42] Design loads are typically expressed in terms of limit loads, which are then multiplied by a factor of safety, usually 1.5, to determine ultimate loads.

failure falls towards extreme improbability at 10^{-9}. Note that the probability of failure axis is in logarithmic scale. In the NPRM, this figure was not used as the FAA kept the factor of safety at 1.5 regardless of the probability of failure. In the final rule, this provision is cost-relieving relative to the NPRM because the FAA is now harmonizing with the less stringent EASA provision.

For residual strength substantiation, the airplane must be able to withstand two-thirds of the ultimate loads. Residual strength is the strength that remains as the airplane structure deteriorates over time, so this test requires a prediction of that deterioration.

Failures of the system that result in forced structural vibrations (oscillatory failures) must not produce loads that could result in detrimental deformation of primary structure. A forced structural vibration or oscillatory failure occurs when an oscillating system is driven by a periodic force that is external to the system.

For the continuation of the flight, loads are determined for a limited set of conditions, as noted in § 25.302(c)(2)(i). Section 25.302(c)(2)(i)(F) is an additional rule provision not in CS 25.302. This provision requires that if any system is installed or tailored to reduce the loads of a part 25 load condition, then that load condition must also be evaluated. This provision is necessary to account for any such systems as their failure will increase loads. The FAA believes this is a low-cost provision, having been applied in only a few cases over many years.

For static strength substantiation, the structure must be able to withstand the loads determined in § 25.302(c)(2)(i) multiplied by a factor of safety, as shown in Figure 2.

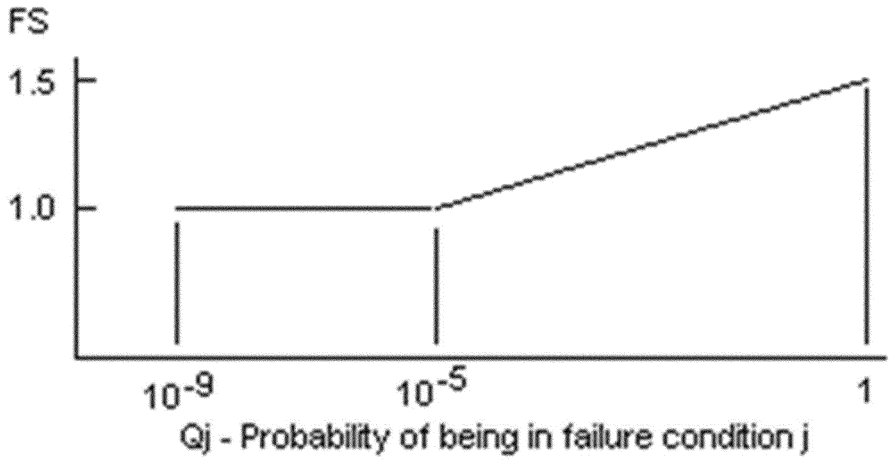

Figure 2 Factor of safety for continuation of flight

Qj = (Tj)(Pj) where:

Tj = Average time spent in failure condition j (in hours)

Pj = Probability of occurrence of failure mode j (per hour)

Figure 2 shows the factor of safety falls linearly from 1.5 to 1.0 as Qj declines from 1 to 10^{-5}, and the factor of safety is constant at 1.0 between 10^{-5} and 10^{-9}, where Qj = (Tj)(Pj), where Tj is the average time in the failure condition (in hours), and Pj is the probability of failure (per hour) or failure rate. So Qj is the (average) cumulative probability of failure. In contrast to the F.S. at the time of failure occurrence (Figure 1), the F.S. for continuation of flight (Figure 2) is allowed to fall immediately below 1.5 as failure probability falls from the highest probability of 1, and in contrast to the minimum F.S. of 1.25 for Figure 1, the Figure 2 safety margin is allowed to fall to 1.0 at 10^{-5}, where it remains as the probability of failure falls to extreme improbability at 10^{-9}. As with Figure 1, note that the Figure 2 probability of failure axis is in logarithmic scale.

In the NPRM, this figure was not used as the FAA did not vary the factor of safety with the probability of system failure. The NPRM provision was less stringent than the final rule in reducing the factor of safety to 1.0 if the failure was annunciated. However, the NPRM provision applied to all load conditions in subpart C, whereas in the final rule, the provision applies to the limited set of subpart C load conditions specified in § 25.302(c)(2)(i) so that, overall, in harmonizing with EASA, final rule provision is cost-relieving relative to the NPRM.

For residual strength substantiation, the airplane must be able to withstand two-thirds of the ultimate loads. If the loads induced by the failure condition have a significant effect on fatigue or damage tolerance, then their effects must be taken into account. A failure condition has a ''significant'' effect on fatigue or damage tolerance if it would result in a change to inspection thresholds, inspection intervals, or life limits. Unlike EASA's rule, § 25.302(c) does not include aeroelasticity stability requirements. Both CS 25.302 and CS 25.629 specify flutter speed margins for failure conditions. In CS 25.629, for the group of failures covered by CS 25.302, the margins are based on the probability of the condition's occurrence, whereas, for the remaining failure conditions, a single speed margin is defined, similar to § 25.629, regardless of probability. The FAA believes the current speed margins specified in § 25.629 are adequate, and there is no need for more specific failure criteria based on probability of occurrence and speed margins. The current speed margin specified in § 25.629, which has been in place since amendment 25–0 of 14 CFR part 25, has proven effective in service. For that reason, non-provision has little impact.

Summary of Cost-Benefit Analysis for § 25.302(c)

The FAA finds that § 25.302(c) harmonizes very closely in structure with CS 25.302(c) and closely in rule

language, aside from the single failure requirement, the additional load provision of § 25.302(c)(2)(i)(F), and the lack of aeroelasticity stability requirements in § 25.302(c). Because of this close harmonization, there is little or no additional cost to that required by EASA certification. Moreover, because of the imposition of the FAA's Interaction of Systems and Structures special conditions for more than twenty years, the FAA believes that industry is so well-adapted to the special conditions that it is now the industry's low-cost necessary action. Thus, no change is implied by the rule, and, therefore, there is little or no additional cost. The provision is cost-beneficial owing to cost savings from joint harmonization.

iii. Section 25.302(d) Failure Indications

Section 25.302(d) requires that the system be checked for failure conditions discussed in § 25.302(c)(2), for example, using a CMR procedure. As far as practicable, the flightcrew must be made aware of these failures before flight. Manufacturers are allowed relief in the F.S. requirement shown in Figure 2, as in § 25.302(c)(2). However, any failure condition, not extremely improbable, that results in an F.S. below 1.25 in Figure 2 must be alerted to the crew. This latter requirement sounds contradictory since it means the flightcrew must be alerted when the probability of failure is low enough for the safety factor to be less than 1.25. It appears alerting the flightcrew is substituted for a higher factor of safety. A manufacturer finding alerting the flightcrew too onerous can reverse the substitution by having a higher factor of safety.

The language of this paragraph closely matches that of CS 25.302(d), except for some additional verbiage that does not change the intent. For the same reasons given for paragraph (c) of § 25.302, there is no additional cost from this provision, and the provision is cost-beneficial owing to the cost savings from joint harmonization.

iv. Section 25.302(e) Dispatch With Known Failure Conditions

The applicant forecasts the probability of the failure condition (''at the time of occurrence'' in § 25.302(c)) and how many days the airplane will be in that dispatch configuration. That probability is then combined with the probability of subsequent failures to calculate Qj, the probability of being in the dispatched condition, and the subsequent failure condition. Qj is then used in Figure 2 to establish the required safety margins, the same safety margin relief allowed in § 25.302(c)(2) and in § 25.302(d).

The FAA excludes one sentence related to dispatch limitations from § 25.302(e) that is in CS 25.302 because its intent and application are unclear. Otherwise, § 25.302(e) closely harmonizes with CS 25.302. The FAA special conditions and the corresponding CS 25.302 have provided an adequate service record. For the same reasons given for paragraphs (c) and (d) of § 25.302, there is no additional cost from this provision, and the provision is cost-beneficial owing to the reduced costs from joint harmonization.

B. Regulatory Flexibility Determination

The Regulatory Flexibility Act (RFA) of 1980, Public Law 96–354, 94 Stat. 1164 (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857, Mar. 29, 1996) and the Small Business Jobs Act of 2010 (Pub. L. 111–240, 124 Stat. 2504 Sept. 27, 2010), requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term ''small entities'' comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

Garmin commented on the NPRM that the cost-benefit analysis does not consider the impact on ATC or STC projects that would be considered significant under § 21.101, the Changed Product Rule. In addition, MARPA requested that the FAA clarify the applicability of the SSA rule to PMA applicants and STC applicants. If the SSA rule is applicable to PMA and STC applicants, MARPA requested that the FAA adjust the cost-benefit analysis accordingly, complete a Regulatory Flexibility Act analysis, and make the revised cost-benefit analysis and Regulatory Flexibility Act analysis available for comment in a supplemental NPRM.

This final rule updates the cost-benefit analysis to take account of the fact that the final rule closely harmonizes with the corresponding EASA rule. Since U.S. manufacturers already are required to meet the EASA requirements, the closely harmonized provisions of the final rule impose no or minimal costs. In future STC or ATC projects where the design change is determined under the Changed Product Rule to be a significant product level change, the Changed Product rule will then require that the certification basis of those projects be updated. The cost-benefit analysis for the Changed Product Rule, however, has determined that the required updated certification basis for such projects is cost-beneficial. PMAs (replacement articles) are managed in accordance with Subpart K to part 21. The final rule will apply only at that time in the future when a PMA (or non-significant STC) applicant seeks to modify a product that already has the final rule in its certification basis. Accordingly, the FAA finds that neither a Regulatory Flexibility Act analysis nor a supplemental NPRM is required.

If an agency determines that a rulemaking will not result in a significant economic impact on a substantial number of small entities, the head of the agency may so certify under section 605(b) of the RFA. Since there are no or minimal additional costs to this final rule, the FAA certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

The FAA has assessed the potential effect of this final rule and determined that its purpose is to ensure the safety of U.S. civil aviation. Therefore, this final rule is in compliance with the Trade Agreements Act.

D. Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal government having first provided the funds to pay those costs. The FAA

determined that the proposed rule will not result in the expenditure of $183 million or more by State, local, or tribal governments, in the aggregate, or the private sector, in any one year.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that there is no new requirement for information collection associated with this final rule.

F. International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to these regulations.

G. Environmental Analysis

FAA Order 1050.1F identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act (NEPA) in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 5–6.6 for regulations and involves no extraordinary circumstances.

VII. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order (E.O.) 13132, Federalism (64 FR 43255, August 10, 1999). The FAA has determined that this action will not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, will not have federalism implications.

B. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

Consistent with Executive Order 13175, Consultation and Coordination with Indian Tribal Governments,[43] and FAA Order 1210.20, American Indian and Alaska Native Tribal Consultation Policy and Procedures,[44] the FAA ensures that Federally Recognized Tribes (Tribes) are given the opportunity to provide meaningful and timely input regarding proposed Federal actions that have the potential to have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes; or to affect uniquely or significantly their respective Tribes. At this point, the FAA has not identified any unique or significant effects, environmental or otherwise, on tribes resulting from this final rule.

C. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this final rule under E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 18, 2001). The FAA has determined that it is not a ''significant energy action'' under the executive order and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

D. Executive Order 13609, Promoting International Regulatory Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation, promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policies and agency responsibilities of Executive Order 13609 and has determined that this action will have no effect on international regulatory cooperation.

In January of 2020, EASA published CS–25 amendment 24, which bore many similarities to the proposals in the NPRM, including added criteria for latent failures in CS 25.1309. This final rule harmonizes FAA requirements with EASA's requirements to the extent possible.

VIII. Additional Information

A. Electronic Access and Filing

A copy of the NPRM, all comments received, this final rule, and all background material may be viewed online at *www.regulations.gov* using the docket number listed above. A copy of this final rule will be placed in the docket. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at *www.federalregister.gov* and the Government Publishing Office's website at *www.govinfo.gov.* A copy may also be found at the FAA's Regulations and Policies website at *www.faa.gov/regulations_policies.*

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9677. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this final rule, including economic analyses and technical reports, may be accessed in the electronic docket for this rulemaking.

B. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires the FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document may contact its local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the internet, visit *www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Life-limited parts, Reporting and recordkeeping requirements.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of title 14, Code of Federal Regulations as follows:

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

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

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702 and 44704.

■ 2. Add § 25.4 to read as follows:

[43] 65 FR 67249 (Nov. 6, 2000).

[44] FAA Order No. 1210.20 (Jan. 28, 2004), available at *www.faa.gov/documentLibrary/media/1210.pdf.*

§ 25.4 Definitions.

(a) For the purposes of this part, the following general definitions apply:

(1) *Certification maintenance requirement* means a required scheduled maintenance task established during the design certification of the airplane systems as an airworthiness limitation of the type certificate or supplemental type certificate.

(2) *Significant latent failure* is a latent failure that, in combination with one or more specific failures or events, would result in a hazardous or catastrophic failure condition.

(b) For purposes of this part, the following failure conditions, in order of increasing severity, apply:

(1) *Major failure condition* means a failure condition that would reduce the capability of the airplane or the ability of the flightcrew to cope with adverse operating conditions, to the extent that there would be—

(i) A significant reduction in safety margins or functional capabilities,

(ii) A physical discomfort or a significant increase in flightcrew workload or in conditions impairing the efficiency of the flightcrew,

(iii) Physical distress to passengers or cabin crew, possibly including injuries, or

(iv) An effect of similar severity.

(2) *Hazardous failure condition* means a failure condition that would reduce the capability of the airplane or the ability of the flightcrew to cope with adverse operating conditions, to the extent that there would be—

(i) A large reduction in safety margins or functional capabilities,

(ii) Physical distress or excessive workload such that the flightcrew cannot be relied upon to perform their tasks accurately or completely, or

(iii) Serious or fatal injuries to a relatively small number of persons other than the flightcrew.

(3) *Catastrophic failure condition* means a failure condition that would result in multiple fatalities, usually with the loss of the airplane.

(c) For purposes of this part, the following failure conditions in order of decreasing probability apply:

(1) *Probable failure condition* means a failure condition that is anticipated to occur one or more times during the entire operational life of each airplane of a given type.

(2) *Remote failure condition* means a failure condition that is not anticipated to occur to each airplane of a given type during its entire operational life, but which may occur several times during the total operational life of a number of airplanes of a given type.

(3) *Extremely remote failure condition* means a failure condition that is not anticipated to occur to each airplane of a given type during its entire operational life, but which may occur a few times during the total operational life of all airplanes of a given type.

(4) *Extremely improbable failure condition* means a failure condition that is not anticipated to occur during the total operational life of all airplanes of a given type.

■ 3. Add § 25.302 to read as follows:

§ 25.302 Interaction of systems and structures.

For airplanes equipped with systems that affect structural performance, either directly or as a result of a failure or malfunction, the influence of these systems and their failure conditions must be taken into account when showing compliance with the requirements of subparts C and D of this part. These criteria are only applicable to structure whose failure could prevent continued safe flight and landing.

(a) *General.* The applicant must use the following criteria in determining the influence of a system and its failure conditions on the airplane structure.

(b) *System fully operative.* With the system fully operative, the following criteria apply:

(1) The applicant must derive limit loads for the limit conditions specified in subpart C of this part, taking into account the behavior of the system up to the limit loads. System nonlinearities must be taken into account.

(2) The applicant must show that the airplane meets the strength requirements of subparts C and D of this part, using the appropriate factor of safety to derive ultimate loads from the limit loads defined in paragraph (b)(1) of this section. The effect of nonlinearities must be investigated sufficiently beyond limit conditions to ensure the behavior of the system presents no detrimental effects compared to the behavior below limit conditions. However, conditions beyond limit conditions need not be considered when it can be shown that the airplane has design features that will not allow it to exceed those limit conditions.

(3) Reserved.

(c) *System in the failure condition.* For any system failure condition not shown to be extremely improbable or that results from a single failure, the following criteria apply:

(1) *At the time of occurrence.* The applicant must establish a realistic scenario, starting from 1g level flight conditions, and including pilot corrective actions, to determine the loads occurring at the time of failure and immediately after failure.

(i) For static strength substantiation, the airplane must be able to withstand the ultimate loads determined by multiplying the loads in paragraph (c)(1) of this section by a factor of safety that is related to the probability of occurrence of the failure. The factor of safety (F.S.) is defined in Figure 1.

Figure 1 to paragraph (c)(1)(i)

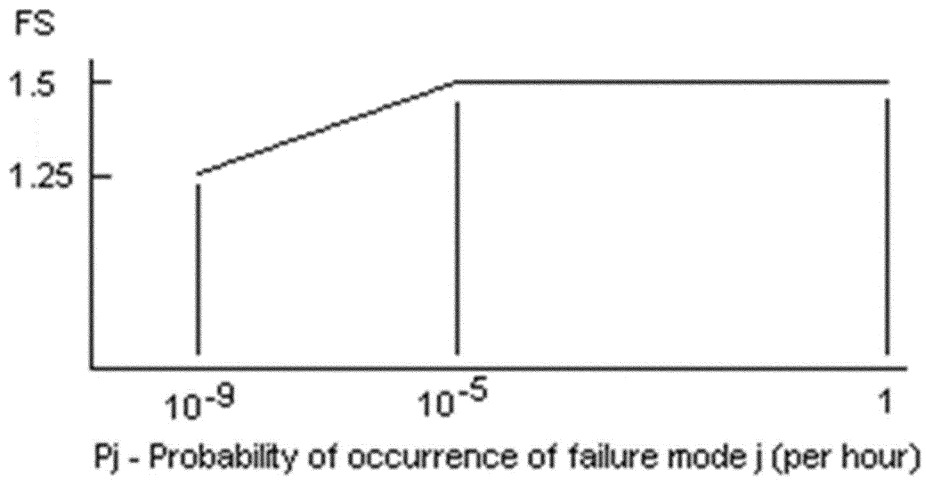

Figure 1 Factor of safety at the time of occurrence

(ii) For residual strength substantiation, the airplane must be able to withstand two thirds of the ultimate loads defined in paragraph (c)(1)(i) of this section. For pressurized cabins, these loads must be combined with the normal operating differential pressure.

(iii) Reserved.

(iv) Failures of the system that result in forced structural vibrations (oscillatory failures) must not produce loads that could result in detrimental deformation of primary structure.

(2) *For the continuation of the flight.* For the airplane, in the system failed state and considering any appropriate reconfiguration and flight limitations, the following apply:

(i) The loads derived from the following conditions at speeds up to V_C/M_C, or the speed limitation prescribed for the remainder of the flight must be determined:

(A) the limit symmetrical maneuvering conditions specified in §§ 25.331 and 25.345,

(B) the limit gust and turbulence conditions specified in §§ 25.341 and 25.345,

(C) the limit rolling conditions specified in § 25.349 and the limit unsymmetrical conditions specified in §§ 25.367 and 25.427(b) and (c),

(D) the limit yaw maneuvering conditions specified in § 25.351,

(E) the limit ground loading conditions specified in §§ 25.473 and 25.491, and

(F) any other subpart C of this part load condition for which a system is specifically installed or tailored to reduce the loads of that condition.

(ii) For static strength substantiation, each part of the structure must be able to withstand the loads in paragraph (c)(2)(i) of this section multiplied by a factor of safety that depends on the probability of being in this failure condition. The factor of safety is defined in Figure 2.

Figure 2 to paragraph (c)(2)(ii)

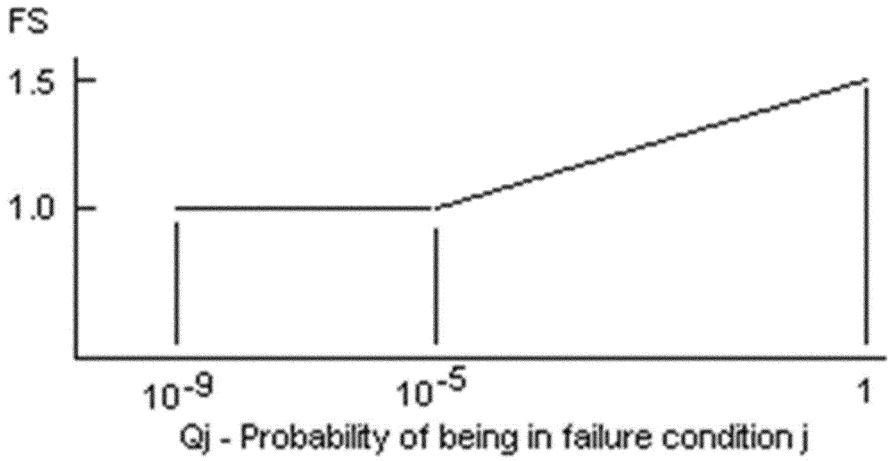

Figure 2 Factor of safety for continuation of flight

Qj = (Tj)(Pj) where:

Tj = Average time spent in failure condition j (in hours)

Pj = Probability of occurrence of failure mode j (per hour)

If Pj is greater than 10^{-3} per flight hour, then a 1.5 factor of safety must be applied in

lieu of the factor of safety defined in Figure 2.

(iii) For residual strength substantiation, the airplane must be able to withstand two thirds of the ultimate loads defined in paragraph (c)(2)(ii) of this section. For pressurized cabins, these loads must be combined with the normal operating differential pressure.

(iv) If the loads induced by the failure condition have a significant effect on fatigue or damage tolerance then their effects must be taken into account.

(v) Reserved.

(vi) Reserved.

(3) Reserved.

(d) *Failure indications.* For system failure detection and indication, the following apply:

(1) The system must be checked for failure conditions evaluated under paragraph (c) of this section that degrade the structural capability below the level required by subparts C (excluding § 25.302) and D of this part or that reduce the reliability of the remaining system. As far as practicable, these failures must be indicated to the flightcrew before flight.

(2) The existence of any failure condition evaluated under paragraph (c) of this section that results in a factor of safety between the airplane strength and the loads of subpart C of this part below 1.25 must be indicated to the flightcrew.

(e) Dispatch with known failure conditions. If the airplane is to be dispatched in a known system failure condition that affects structural performance or affects the reliability of the remaining system to maintain structural performance, then the Master Minimum Equipment List must ensure the provisions of § 25.302 are met for the dispatched condition and for any subsequent failures. Flight limitations and operational limitations may be taken into account in establishing Qj as the combined probability of being in the dispatched failure condition and the subsequent failure condition for the safety margins in Figure 2. No reduction in these safety margins is allowed if the subsequent system failure rate is greater than 10^{-3} per flight hour.

■ 4. Amend § 25.629 by revising paragraph (a) and (d) introductory text, redesignating paragraphs (d)(9) and (10) as paragraphs (d)(10) and (11), and adding a new paragraph (d)(9) to read as follows:

§ 25.629 Aeroelastic stability requirements.

(a) *General.* The aeroelastic stability evaluation required under this section includes flutter, divergence, control reversal and any undue loss of stability and control as a result of structural deformation. The aeroelastic evaluation must include whirl modes associated with any propeller or rotating device that contributes significant dynamic forces. Additionally, the evaluation must include any condition of operation within the maneuvering envelope. Compliance with this section must be shown by analyses, wind tunnel tests, ground vibration tests, flight tests, or other means found necessary by the Administrator.

* * * * *

(d) *Failures, malfunctions, and adverse conditions.* The failures, malfunctions, and adverse conditions that must be considered in showing compliance with this section are:

* * * * *

(9) The following flight control system failure combinations in which aeroelastic stability relies on flight control system stiffness, damping or both:

(i) Any dual hydraulic system failure.

(ii) Any dual electrical system failure.

(iii) Any single failure in combination with any probable hydraulic or electrical system failure.

* * * * *

■ 5. Revise § 25.671 to read as follows:

§ 25.671 General.

(a) Each flight control system must operate with the ease, smoothness, and positiveness appropriate to its function. The flight control system must continue to operate and respond appropriately to commands, and must not hinder airplane recovery, when the airplane is experiencing any pitch, roll, or yaw rate, or vertical load factor that could occur due to operating or environmental conditions, or when the airplane is in any attitude.

(b) Each element of each flight control system must be designed, or distinctively and permanently marked, to minimize the probability of incorrect assembly that could result in failure or malfunctioning of the system. The applicant may use distinctive and permanent marking only where design means are impractical.

(c) The airplane must be shown by analysis, test, or both, to be capable of continued safe flight and landing after any of the following failures or jams in the flight control system within the normal flight envelope. Probable malfunctions must have only minor effects on control system operation and must be capable of being readily counteracted by the pilot.

(1) Any single failure, excluding failures of the type defined in § 25.671(c)(3);

(2) Any combination of failures not shown to be extremely improbable, excluding failures of the type defined in § 25.671(c)(3); and

(3) Any failure or event that results in a jam of a flight control surface or pilot control that is fixed in position due to a physical interference. The jam must be evaluated as follows:

(i) The jam must be considered at any normally encountered position of the control surface or pilot control.

(ii) The jam must be assumed to occur anywhere within the normal flight envelope and during any flight phase except during the time immediately before touchdown if the risk of a potential jam is minimized to the extent practical.

(iii) In the presence of the jam, any additional failure conditions that could prevent continued safe flight and landing must have a combined probability of 1/1000 or less.

(d) If all engines fail at any point in the flight, the airplane must be controllable, and an approach and flare to a landing and controlled stop, and flare to a ditching, must be possible, without requiring exceptional piloting skill or strength.

(e) The airplane must be designed to indicate to the flightcrew whenever the primary control means is near the limit of control authority.

(f) If the flight control system has multiple modes of operation, appropriate flightcrew alerting must be provided whenever the airplane enters any mode that significantly changes or degrades the normal handling or operational characteristics of the airplane.

■ 6. Amend § 25.901 by revising paragraph (c) to read as follows:

§ 25.901 Installation.

* * * * *

(c) For each powerplant and auxiliary power unit installation, the applicant must comply with the requirements of § 25.1309, except that the effects of the following failures need not comply with § 25.1309(b)—

(1) Engine case burn-through or rupture,

(2) Uncontained engine rotor failure, and

(3) Propeller debris release.

* * * * *

■ 7. Amend § 25.933 by revising paragraph (a)(1) to read as follows:

§ 25.933 Reversing systems.

(a) * * *

(1) For each system intended for ground operation only, the applicant must show—

(i) The airplane is capable of continued safe flight and landing during and after any thrust reversal in flight; or

(ii) The system complies with § 25.1309(b) using the assumption the airplane would not be capable of continued safe flight and landing during and after an in-flight thrust reversal.

* * * * *

■ 8. Revise § 25.1301 to read as follows:

§ 25.1301 Function and installation.

Each item of installed equipment must—

(a) Be of a kind and design appropriate to its intended function;

(b) Be labeled as to its identification, function, or operating limitations, or any applicable combination of these factors; and

(c) Be installed according to limitations specified for that equipment.

■ 9. Revise § 25.1309 to read as follows:

§ 25.1309 Equipment, systems, and installations.

The requirements of this section, except as identified below, apply to any equipment or system as installed on the airplane. Although this section does not apply to the performance and flight characteristic requirements of subpart B of this part, or to the structural requirements of subparts C and D of this part, it does apply to any system on which compliance with any of those requirements is dependent. Section 25.1309(b) does not apply to the flight control jam conditions addressed by § 25.671(c)(3); single failures in the brake system addressed by § 25.735(b)(1); the failure conditions addressed by §§ 25.810(a)(1)(v) and 25.812; uncontained engine rotor failure, engine case rupture, or engine case burn-through failures addressed by §§ 25.903(d)(1) and 25.1193 and part 33 of this chapter; and propeller debris release failures addressed by § 25.905(d) and part 35 of this chapter.

(a) The airplane's equipment and systems must be designed and installed so that:

(1) The equipment and systems required for type certification or by operating rules, or whose improper functioning would reduce safety, perform as intended under the airplane operating and environmental conditions; and

(2) Other equipment and systems, functioning normally or abnormally, do not adversely affect the safety of the airplane or its occupants or the proper functioning of the equipment and systems addressed by paragraph (a)(1) of this section.

(b) The airplane systems and associated components, evaluated separately and in relation to other systems, must be designed and installed so that they meet all of the following requirements:

(1) Each catastrophic failure condition—

(i) Must be extremely improbable; and

(ii) Must not result from a single failure.

(2) Each hazardous failure condition must be extremely remote.

(3) Each major failure condition must be remote.

(4) Each significant latent failure must be eliminated as far as practical, or, if not practical to eliminate, the latency of the significant latent failure must be minimized. However, the requirements of the previous sentence do not apply if the associated system meets the requirements of paragraphs (b)(1) and (b)(2) of this section, assuming the significant latent failure has occurred.

(5) For each catastrophic failure condition that results from two failures, either of which could be latent for more than one flight, the applicant must show that—

(i) It is impractical to provide additional fault tolerance; and

(ii) Given the occurrence of any single latent failure, the residual average probability of the catastrophic failure condition due to all subsequent active failures is remote; and

(iii) The sum of the probabilities of the latent failures that are combined with each active failure does not exceed 1/1000.

(c) The airplane and systems must provide information concerning unsafe system operating conditions to the flightcrew to enable them to take appropriate corrective action in a timely manner. Systems and controls, including information, indications, and annunciations, must be designed to minimize flightcrew errors that could create additional hazards.

(d) Reserved.

(e) The applicant must establish certification maintenance requirements as necessary to prevent the development of the failure conditions described in paragraph (b) of this section. These requirements must be included in the Airworthiness Limitations section of the Instructions for Continued Airworthiness required by § 25.1529.

■ 10. Amend § 25.1365 by revising paragraph (a) to read as follows:

§ 25.1365 Electrical appliances, motors, and transformers.

(a) An applicant must show that, in the event of a failure of the electrical supply or control system, the design and installation of domestic appliances meet the requirements of § 25.1309(b) and (c). Domestic appliances are items such as cooktops, ovens, coffee makers, water heaters, refrigerators, and toilet flush systems that are placed on the airplane to provide service amenities to passengers.

* * * * *

■ 11. Revise section H25.4 of appendix H to part 25 by adding paragraph (a)(6) to read as follows:

Appendix H to Part 25—Instructions for Continued Airworthiness

* * * * *

H25.4 Airworthiness Limitations section.

* * * * *

(a) * * *

(6) Each certification maintenance requirement established to comply with any of the applicable provisions of part 25.

* * * * *

Issued under authority provided by 49 U.S.C. 106(f), 106(g), 44701(a), and 44704 in Washington, DC.

Michael Gordon Whitaker,

Administrator.

[FR Doc. 2024–18511 Filed 8–26–24; 8:45 am]

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Part III

Department of Education

34 CFR Parts 655, 656, and 657

National Resource Centers Program and Foreign Language and Area Studies Fellowships Program; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Parts 655, 656, and 657

RIN 1840–AD94

[Docket ID ED–2024–OPE–0017]

National Resource Centers Program and Foreign Language and Area Studies Fellowships Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Final rule.

SUMMARY: The U.S. Department of Education (Department) amends the regulations that govern the National Resource Centers (NRC) Program, Assistance Listing Number 84.015A, and the Foreign Language and Area Studies (FLAS) Fellowships Program, Assistance Listing Number 84.015B. These regulations clarify interpretations of statutory language, redesign the selection criteria, and make necessary updates based upon program management experience. These regulations remove ambiguity and redundancy in the selection criteria and definitions of key terms, improve the application process, and align the administration of these programs with developments in modern foreign language and area studies education.

DATES: This rule is effective September 26, 2024 except for the regulations amending parts 656 (instruction 8) and 657 (instruction 9), which are effective on August 15, 2025.

Applicability date: Parts 656 and 657 apply to all applications submitted and all new awards made under these parts for the NRC Program and FLAS Fellowships Program after August 15, 2025.

FOR FURTHER INFORMATION CONTACT: Brian Cwiek, U.S. Department of Education, 400 Maryland Avenue SW, 5th floor, Washington, DC 20202. Telephone: (202) 987–1947. Email: *brian.cwiek@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:

Purpose of this Regulatory Action: The regulations for the NRC Program and FLAS Fellowships Program were last amended in 2009 (74 FR 35070) and were impacted by subsequent technical corrections made to 34 CFR part 655, International Education Programs—General Provisions, adopted in 2014 (79 FR 75867). Because these regulations provide the foundation for the administration of these programs, we have reviewed them, evaluated them for provisions that, over time, have become outdated, unnecessary, or inconsistent with other Department regulations as well as with established practices for administering these programs in the Department, and identified ways in which they can be updated, streamlined, and otherwise improved. Specifically, we amend parts 655, 656, and 657 of title 34 of the Code of Federal Regulations. We published a Notice of Proposed Rulemaking (NPRM) detailing proposed changes earlier this year (89 FR 13516).

These final regulations incorporate several significant related changes to the proposed regulations contained in the NPRM. We also made several minor technical and editorial changes in these final regulations. We describe these changes in more detail in the *Analysis of Comments and Changes* section below. Below is a brief overview of significant related changes to these final regulations compared to the NPRM.

Program purposes. We added a new section in part 655 that describes the purposes of the International Education Programs, including the NRC Program and FLAS Fellowships Program, authorized by title VI of the Higher Education Act of 1965, as amended (HEA). The final regulations for the NRC Program and FLAS Fellowships Program now refer to these broader purposes of the International Education Programs.

Undergraduate centers. We added a cost limitation for undergraduate NRCs that requires projects and project activities to predominantly benefit undergraduate teaching and learning. Other changes more closely align selection criteria with the expectation that undergraduate NRCs make a distinctive contribution by preparing undergraduate students to matriculate into advanced language and area studies programs and professional language school programs.

Fellowship payments. We maintained the current structure of fellowship payments for the FLAS Fellowships Program, meaning that fellowships will continue to consist of an institutional payment and a stipend payment in addition to any permitted allowances.

Educational programs. We substantially revised the educational program eligibility criterion for the FLAS Fellowships Program. The educational program eligibility requirement will not apply to summer fellowships. In addition, these final regulations allow students in science, technology, engineering, and mathematics (STEM) and professional fields to satisfy this eligibility requirement during the academic year through a combination of academic advising and coursework, even if their educational programs do not ordinarily include or require modern foreign language study or area studies coursework.

Institutional responsibilities. We added a new section in part 657 that describes the responsibilities of institutions that receive an allocation of fellowships under the FLAS Fellowships Program. This section enumerates existing responsibilities of institutions receiving funding under that part without adding additional obligations.

Employment practices. We eliminated consideration of employment practices from the selection criteria for the NRC Program.

Required assurances. We added a new assurance for both the NRC Program and FLAS Fellowships Program addressing employment practices and institutional travel policies. These assurances are a required component of applications to these programs.

Public Comment: In response to our invitation in the NPRM, the Department received 113 comments on the proposed regulations. We address those comments in the *Analysis of Comments and Changes* section below.

Analysis of Comments and Changes

An analysis of the public comments received and the changes to the regulations since publication of the NPRM follows. We group issues according to subject. We discuss other substantive issues under the sections of the regulations to which they pertain. Generally, we do not address minor, non-substantive changes (such as renumbering paragraphs, adding a word, or typographical errors). Additionally, we do not address recommended changes that the statute does not authorize the Secretary to make or comments pertaining to operational processes. We generally do not address comments pertaining to issues that were not within the scope of the NPRM.

Purposes of the NRC Program and FLAS Fellowships Program

Comments: One commenter noted the proposed regulations adequately address the mission of the NRC Program and FLAS Fellowships Program through the addition of new definitions. However, the commenter suggested addressing the mission or purpose at greater length in §§ 656.1 and 657.1, noting that such an addition would help applicants and evaluators understand the fundamental purpose of the

programs, leading to better applications and evaluations.

Discussion: We agree with the commenter that the programs serve the security, stability, and economic vitality of the United States. Indeed, Congress made a finding that, ''The security, stability, and economic vitality of the United States in a complex global era depend upon American experts in and citizens knowledgeable about world regions, foreign languages, and international affairs, as well as upon a strong research base in these areas.'' [1] We agree the regulations should provide greater clarity on how the purposes of the various programs authorized under title VI of the HEA apply to the NRC Program and the FLAS Fellowships Program. The final regulations address this matter by adding a new § 655.5 that incorporates the statutory purposes of the International Education Programs; specifies how the purposes apply to these programs, including the NRC Program and the FLAS Fellowships Program; and summarizes the Department's obligation to coordinate these Federal programs. We have provided further clarification of the statutory program purposes that apply to the NRC Program and the FLAS Fellowships program in §§ 656.1 and 657.1, respectively.

Changes: We added § 655.5, which addresses the purposes of the programs authorized by part A of title VI of the HEA. We also added new §§ 656.1(b) and 657.1(b) that refer to the new § 655.5.

Geographic Area of Focus Requirement for the NRC Program and the FLAS Fellowships Program

Comments: Ten commenters expressed disagreement with the proposed requirement of a geographic focus for NRC and FLAS grants. The commenters concluded that, by eliminating an international category that does not take into account a geographic area of focus for the NRC Program and FLAS Fellowships Program, the programs would lose the distinctive perspective provided by an exclusively international focus and adversely affect international studies programs, which benefit from funding under these programs. One commenter specifically described international NRCs as especially nimble in their ability to respond to emerging crises and community needs. Furthermore, commenters explained how current global and international studies NRCs work collaboratively to support education on important global issues. One commenter argued that the proposal to eliminate an international focus runs counter to the program's intent by forcing a focus on individual regions in isolation, rather than encouraging the development of cross-regional and cross-national comprehensive and comparative expertise. Another commenter said that this change would significantly reduce collaboration among, and the leveraged funding of activities by, NRCs at the same institution, other institutions, and across national networks of area studies centers. According to this commenter, international centers do not excel in specific, clearly defined geographic areas, because they are global in scope. It would be much more difficult for them to compete for grants in a world region category with other area studies centers. One commenter contended that requiring geographic focus would essentially end international studies, including critical research on cybersecurity, public health, immigration, and climate change from an international perspective. One commenter noted that any effort to increase capacity is impractical because NRCs do not directly control various decisions related to resources on campuses. Five commenters supported the geographic focus requirement. One lauded the change because it may help to ensure that all centers are planning cohesive and well thought out programs that tie global issues to the region of focus, while another agreed with the importance of grounding thematic or ''international'' centers geographically and linguistically, while allowing for spatial configurations that reflect dynamic global flows of people, goods, and ideas.

Discussion: For the reasons we stated in the NPRM, we believe that a geographic focus requirement is supported under the statute and will help ensure that we can distribute funds in a manner consistent with the consultation on areas of national need, which necessarily generates recommendations related to specific language and geographically defined world areas rather than themes or topics in international studies.

We are committed to administering a program with sufficient flexibility such that we can select grantees and allocate funds in a manner that most effectively implements the purposes of these programs. Although a commenter noted that NRCs without a defined area of geographic focus are particularly nimble in responses to emerging crises and community needs, this characteristic is not unique to one category of NRCs. One way to interpret this responsiveness is the ability to provide unanticipated programming and to shift grant funds to new project activities with relative ease as conditions in the world change. NRCs with a geographic focus would have such flexibility under the standard procedures for the revision of budget and program plans in 2 CFR 200.308. For example, if an armed conflict arises, if the conflict is relevant to a Center, it may request approval from the Department to reallocate funds to support related activities. We work with all grantees to maximize the extent to which areas of national need are met, but these needs tend to be articulated in terms of specific languages and geographic world areas, which supports a geographic focus requirement. We remain committed to an efficient and effective distribution of funds across and within these programs.

We do not agree that this requirement will mean the loss of international perspective. Area studies, as defined in 20 U.S.C. 1132(a), is a broad concept based on the comprehensive study of specific societies that does not exclude any discipline or approach. The inclusion of ''societies'' in this definition complements the program's interest in modern foreign languages and specific places, as articulated in 20 U.S.C. 1122(a)(1)(B)(i)–(ii). International studies' approaches complement the specificity of area studies by drawing attention to patterns, trends, and phenomena relevant to understanding the larger context in which societies exist. Our view of the relationship between area studies and international studies aligns with the larger program goals of 20 U.S.C. 1122(a)(1)(B), as described in the NPRM. That is, even with a geographical focus, Centers must still engage in all the specified activities to meet the program's purpose, including support for international studies. Centering a geographic world area also will help Centers align their activities to the recommendations provided by the ''consultation on areas of national need'' for expertise in foreign languages and world regions required by 20 U.S.C. 1121(c)(1).

Under the final regulations, Centers will retain the flexibility to define their geographic area of focus, which may be a traditionally recognized world region, a single country, or another configuration of space that draws attention to world issues, peoples, and any related languages outside the United States. This approach is not incompatible with alternative approaches to defining a world area through linguistic or cultural frameworks. Some of the programs' current categories reflect, in part,

[1] 20 U.S.C. 1121(a)(1).

linguistic and cultural affinities that have been spatialized to the point of being normalized as a world area. Such categories are not timeless and are subject to modification as scholarly, political, administrative, and other understandings change, particularly through attention to minoritized groups that tend to straddle boundaries between these areas. Likewise, nothing in the regulations precludes the creation of alternative configurations of space that overlap, replace, or fundamentally change other categories defined in geographic terms. For example, Lusophone communities in Africa, Sufi communities in Southeast Asia, and Japanese diaspora communities in South America are possible geographic areas of focus that are neither so general as to define the entire world as a region, nor so conventional that they refer to a single traditional world area. Applications that propose a geographic area of focus that spans more than one world area meet the geographic focus requirement. However, we may need to use certain world area categories for administrative purposes, such as the implementation of program priorities or grants administration. Consequently, applicants to these programs may need to use these categories as a shorthand for describing their geographic area of focus, including foci that span multiple world area categories. The selection criteria are sufficiently flexible that applicants will have the opportunity to explain the rationale for the chosen focus or foci and describe the alignment of that focus or those foci with resources and proposed activities.

We do not believe that this requirement will imperil international studies programs. These grants are intended to stimulate specific types of activity. Under the statute, all Centers must perform four functions: modern language instruction, area studies, international studies, and research and teaching on global issues. Highlighting these expectations strengthens the program's overall emphasis on international studies and global issues. These functions also reinforce how the existence and accessibility of high-quality instruction in Less Commonly Taught Languages at all levels is vital to area studies and modern foreign language education in the United States. Teaching and learning the world's languages are foundational elements of the NRC and FLAS Fellowships Programs. These programs continue to address the national need for expertise in these languages originally identified in title VI of the National Defense Education Act of 1958 that created these programs. Sustaining and expanding high-quality instruction in a wide variety of these languages at institutions of higher education (IHEs) in the United States contributes to national security and economic prosperity. The commitment to area studies in these programs ensures that the cultivation of expertise in local, regional, international, and global contexts accompanies and reinforces the growth of proficiency in at least one world language. Critically, these programs also support the development of proficiency in multiple world languages, including the Less Commonly Taught Languages that are rarely or never routinely taught at IHEs in the United States, to support nuanced understanding of complex global issues in the past, present, and future. Many of the Less Commonly Taught Languages are underserved by emerging translation technologies because these technologies rely on a large and accessible corpus of training materials. Human expertise in languages and the local context in which these languages are used are a critical resource.

The inherent flexibility of grants under these programs, even with the new requirements, will allow funded grant projects to continue to support efforts to integrate area studies with international, global, or macro-level perspectives. As commenters suggested, current Centers with an international thematic focus with without a geographical focus may struggle to implement project activities that increase capacity precisely because they are unable to coordinate all relevant resources at an IHE. Commenters did not suggest that Centers with a geographic focus face the same type of challenge, despite facing the same expectation to balance area studies and international studies approaches. We believe the geographic focus requirement will help ensure the effective stewardship of Federal funds by improving the alignment of project activities with the program purposes. Furthermore, nothing precludes an applicant with a general global or international focus from applying for a grant that proposes to support a more narrowly defined project with a geographical area of focus. Such applicants might be well-positioned to propose projects informed by global or international approaches that avoid any perceived pitfalls associated with a geographic focus.

These grants are intended to stimulate specific types of activity in furtherance of the program's purposes. Some administrative units may rely on grants for their existence. Many do not. The same can be said for curricula and the resources that support them more broadly at institutions. While these grants may enable certain project activities, many grantee institutions have made substantial investments in these fields that are much larger than would be possible by grants under these programs alone. We interpret this as a sign of success. Under these final regulations, institutions may continue to sustain and support these initiatives. However, to meet the statutory requirement that all Centers support area and international studies, institutions may need to rethink their approach to international studies to promote such a synthesis. Commenters have pointed out that many global and international Centers cooperate with area studies Centers and that other centers already draw upon area studies expertise at their institutions. Similarly, many of the academic programs, such as undergraduate international studies programs, combine language and area studies along with more thematic global and international elements. These types of practices and educational programs demonstrate the complementarity of area studies and international studies.

Finally, commenters described how Centers without a geographic area of focus frequently serve a coordination function that links multiple Centers or connects external parties to specialized resources, such as Centers with a geographic focus. We appreciate learning about the multitude of institutional arrangements that exist among current grantees, but we conclude these arrangements are products of specific institutional factors and local circumstances rather than an intended outcome of the NRC Program and the FLAS Fellowships Program. Grantees have the flexibility to adopt institutional reforms and practices that most effectively support implementation of project activities for these programs, provided they conform with all obligations associated with an award. We encourage collaboration among grantees and fully expect that the network of grantees will continue to support educators throughout the United States.

Changes: We have revised §§ 656.3(a)(1) and 657.3(a)(1) to expressly allow for a geographical focus that spans multiple world areas. We have also revised the NRC selection process in § 656.20(c) and the FLAS selection process in § 657.20(c) to clarify that applications are ranked within each group of applications that shares the same or similar area of focus.

Grouping of World Areas at Area Studies Centers

Comments: One commenter encouraged the Department to require that IHEs separate Middle East studies and South Asian studies in any Center that combines them.

Discussion: We do not define specific world regions or determine their appropriateness in the proposed or final regulations. Centers are administrative units within IHEs, so IHEs determine the purpose and structure of those administrative units.

Changes: None.

Emphasis on Less Commonly Taught Languages for the NRC Program and the FLAS Fellowships Program

Comments: One commenter supported the emphasis on Less Commonly Taught Languages in the regulations.

Discussion: We appreciate the commenter's support.

Changes: None.

Funding for Title VI Programs, Including the NRC and FLAS Fellowships Programs

Comments: Several commenters expressed generalized concern that the purpose of the proposed regulations could be interpreted as a recommendation to reduce the level of funding for programs authorized under title VI of the HEA, especially the NRC and FLAS Fellowships Programs. These commenters noted these programs support vital educational activities.

Discussion: Funding levels for programs authorized under title VI of the HEA, including the NRC and FLAS Fellowships Programs, are not determined by program regulations. We agree these programs contribute to national security and prosperity, among other possible contributions.

Changes: None.

Definitions of Areas of National Need and Diverse Perspectives for Title VI Programs

Comments: Four commenters lauded the proposed definitions of ''diverse perspectives'' and ''areas of national need.'' One commenter did not believe the definitions would be effective, claiming that the instruction at NRCs is biased and that the area studies scholarly community is not equipped to ensure diverse perspectives.

Discussion: We agree with the commenters who found the definitions helpful. Diverse perspectives help build a robust evidentiary base that supports a comprehensive understanding of issues derived from a multiplicity of relevant perspectives, research methodologies, and lively scholarly debate.

Changes: None.

Conducting the Consultation on Areas of National Need for Title VI Programs

Comments: One commenter stated the proposed regulations did not identify how the Secretary will engage in the required consultation on areas of national need, how the Secretary will determine areas of national need, how the Secretary will include consultation results in the request for applications, or how the Secretary will make available to applicants a list of areas identified as areas of national need. The commenter also stated that the regulations should prioritize the results more strongly in grant competitions in order to persuade more applicants to attempt to serve the identified national needs. One commenter expressed concern about the possible application of world area priorities derived from the consultation on national need during the selection process.

Discussion: We do not believe that it is necessary to describe the consultation process in greater detail than the description in the statute. We have conducted these consultations in the past and the results of these consultations since 2012 are available on the Department's website.[2] The definitions of ''areas of national need'' and ''consultation on areas of national need'' in these regulations provide sufficient clarity for the purpose of conducting the consultation and aligning the NRC Program and FLAS Fellowships Program with the competition.

The consultation informs the priorities we include in the competition priorities and the notice inviting applications. After using the consultation to develop priorities for these purposes, we do not return to the consultation, but the results of the consultation remain available for applicants to review. We consider how applications address those priorities and the other selection criteria during the selection process. That is, we read the applications against those priorities and related selection criteria, and not directly against the consultation. Applicants may reference the results of the consultation when responding to the selection criteria at §§ 656.21(c)(4), 656.21(d)(2), 656.22(c)(4), 656.21(d)(2), 656.23(a)(3), 657.21(d)(2), and 657.21(d)(3) in the context of addressing ''areas of national need,'' which may encompass a broader range of needs in the government, education, business, and nonprofit sectors for expertise in foreign language, area, and international studies identified by the Secretary.

Sections 656.24(a)(4) and 657.22(a)(9) provide us with sufficient authority to select competition priorities based on the consultation process and consider these priorities during the selection processes for grants under the NRC Program and FLAS Fellowships Program according to the procedures described at §§ 656.20(e) and 657.20(e). We cannot speculate about world area priorities derived from consultations on national need that have not occurred. However, consideration of these priorities in the limited manner described in the regulations will contribute to the alignment of the program with national needs for expertise in area studies and modern foreign languages.

Changes: None.

Diversity Statements and Diverse Perspectives for Title VI Programs

Comments: One commenter encouraged the Department to require Centers receiving title VI funding to disallow sending in diversity statements during the hiring process at IHEs. The commenter went on to say that if the Department is interested in encouraging diverse perspectives, it should employ peer reviewers who hold diverse views.

Discussion: The suggestion to regulate general hiring practices at IHEs is beyond the scope of these regulations and would exceed the statutory authority for these specific discretionary grant programs. The Department always strives to employ expert reviewers during a competition who represent a wide range of relevant expertise.

Changes: None.

Timing and Composition of Applications for the NRC and FLAS Fellowships Programs

Comments: Several commenters expressed concern that the proposed changes are likely to increase the overall burden of submitting applications to the NRC Program and FLAS Fellowships Program because the proposed regulations would eliminate the ability to submit a single application to both programs. One commenter encouraged the Department to align the applications for these programs to the greatest extent possible. One commenter was uncertain about the degree to which the proposed selection criteria for these programs differed. One commenter noted the proposed selection criteria for these programs were largely similar and responding to them in an application narrative would require similar or

[2] *https://www2.ed.gov/about/offices/list/ope/iegps/languageneeds.html.*

overlapping data. Several commenters believed the proposed changes would result in a change in frequency or timing of the application cycles for these programs. One commenter suggested revisions to the burden hour calculations for these applications.

Discussion: We do not believe that the changes to the application process will significantly increase the burden associated with the submission of applications to both programs. Accordingly, we have not changed the burden estimates associated with the applications based on this change. However, as described in the *Paperwork Reduction Act of 1995* section below, we have changed the calculation of burden hours based on a commenter's assertion that our previous calculations severely underestimated the burden hours and costs associated with these applications.

Currently, and following the implementation of these regulations, there is and will be some overlap among the selection criteria and the data required to respond to them. We have also attempted to align the application processes and requirements as much as possible. Because the purposes and requirements of the programs are different, however, it is to be expected that there are different selection criteria for the programs. Although we are making changes to the selection criteria for each of the programs, we do not expect the cumulative time required to respond to them will change.

As discussed in the NPRM, the changes to the application submission are due to the technical limitations of the systems. These changes do not have any bearing on the competition schedule. The requirement to submit separate applications for each program also conforms to the Department's expectations for grant programs described at 34 CFR 75.125.

Changes: None.

Selection Process for Institutional Awards for the NRC Program and the FLAS Fellowships Program

Comments: Three commenters questioned whether the same expert reviewers will evaluate applications for both the NRC and FLAS Fellowships Programs submitted separately by the same applicant.

Discussion: The regulations create the structure for a fair and transparent selection process for the NRC Program and FLAS Fellowships Program. All grant competitions are conducted according to the Department's policies and procedures. Revising the regulations to address the identity of expert reviewers for two distinct programs would not benefit the efficient administration of these programs, but it is our intention that the same reviewers will evaluate applications for both of these programs because of the substantial overlap in the selection criteria and complementary program purposes.

Changes: None.

Alignment of Academic Personnel With Proposed Projects for the NRC Program and the FLAS Fellowships Program

Comments: Two commenters requested that we clarify the proposed term ''critical mass of scholars'' by describing how critical mass will be measured. One commenter questioned whether references to tenure and tenure-track faculty in proposed §§ 656.21(b)(4), 656.22(b)(4), and 657.21(c)(1) disadvantage IHEs without tenure systems. One commenter applauded proposed changes that anchor a grantee's mission and success to available scholarly expertise.

Discussion: We appreciate the commenter who saw a broad effort to enhance the alignment between grantee success and academic resources. We believe the definition of ''critical mass of scholars'' is sufficiently clear without being overly prescriptive. A reliance on a single metric, such as a minimum number of scholars, would fail to account for the substantial differences in various area studies communities and would not be sensitive to changes over time. We believe peer reviewers are well positioned to determine what constitutes a critical mass of scholars for a particular project. These regulations provide a necessary degree of flexibility for applicants and grantees.

With regard to selection criteria that address the availability of tenured or tenure-track faculty, we decided to retain these criteria even though these criteria may disadvantage an IHE without a tenure system. Both the NRC and FLAS Fellowships Programs are discretionary grant programs that require us to make a determination of excellence based on proposed projects and the resources relevant to area studies and modern foreign language education. We must be reasonably assured that the resources, including faculty and other academic personnel, described in an application selected for funding will continue to exist during the project period. The practice of tenure is one common mechanism in postsecondary education that demonstrates an institution's long-term commitment to employment, which contributes to evaluating the likely success and sustainability of a proposed project. Yet we also provide flexibility with regard to these selection criteria. Peer reviewers will determine the extent to which ''enough qualified tenured and tenure-track faculty'' are involved in teaching and advising rather than simply confirming a minimum required number of such faculty are present at the applicant IHE. Applicants may provide contextual information to support peer reviewers' determinizations that any amount of such faculty, including none, constitutes a sufficient number in the context of a proposed project.

Changes: None.

Stated Performance Goals for Modern Foreign Language Instruction for the NRC Program and the FLAS Fellowships Program

Comments: One commenter stated both the existing and proposed regulations share a common flaw because they do not define performance-based language instruction.

Discussion: We decided to adopt the phrase ''stated performance goals for functional foreign language use'' rather than ''performance-based language instruction'' in the proposed and final regulations. The precise meaning of the former term is likely to change over time due to new research, pedagogical innovations, and standards set by professional or governmental organizations. We believe the term is sufficiently understood among specialists engaged in the various aspects of modern foreign language education without being too limiting or rooted in a single pedagogical approach. Although Centers likely do not directly control the adoption or development of stated performance goals, the use or development of stated performance goals in language instruction facilitates the determination of excellence for the NRC Program and reflects a statutory requirement for the instruction that fellows receive under the FLAS Fellows Program.[3]

Language instruction that adapts general standards including, but not limited to, Interagency Language Roundtable (ILR) Skills Descriptions,[4] ACTFL Proficiency Guidelines,[5] or the Common European Framework of Reference (CEFR) for Languages[6] when setting learning objectives, goals, or outcomes for modern foreign language courses and programs would satisfy this requirement. Language-specific standards, such as those derived from

[3] 20 U.S.C. 1122(b)(2)(A).

[4] *https://govtilr.org/.*

[5] *https://www.actfl.org/educator-resources/actfl-proficiency-guidelines.*

[6] *https://www.coe.int/en/web/common-european-framework-reference-languages/level-descriptions.*

the Japanese-Language Proficiency Test (JLPT),[7] would similarly satisfy this requirement. IHEs or academic departments also may develop hybrid approaches that combine elements of multiple sources or create locally determined standards. Finally, IHEs may satisfy this requirement by working to develop a system of stated performance goals, even if these goals have not actually been fully developed or adopted during the grant's performance period.

We do not endorse a specific source for stated performance goals because we are not directly evaluating the sufficiency or content of a particular set of stated performance goals used by an applicant or grantee, but we provide these examples for illustrative purposes. A more prescriptive approach, especially one highlighting a specific pedagogical technique or single set of standards, risks inadvertently encouraging future applicants and grantees to implement outmoded methods or approaches. The key expectation is that IHEs have adopted or are working to adopt goals or standards for the use of modern foreign languages that serve as criteria used to structure curricula, design the student learning experience, and assess student learning. In addition to language instruction, stated performance goals may support other processes at grantee IHEs related to educational quality, such as program evaluation, continuous improvement, learner placement, transfer of student credit, and the selection of appropriate overseas programs. Learners may further benefit from being able to communicate their approximate level of proficiency more clearly to others, including academic programs and potential employers, more meaningfully than would be possible through course titles or credit hours alone.

Changes: None.

Area Studies Library Collections

Comments: One commenter expressed appreciation that a consideration of libraries would be possible under the proposed revisions to part 655. One commenter expressed opposition to the criteria in proposed § 657.21(c)(3) and current § 657.21(e)(1). This commenter believed these criteria emphasized collections over the personnel needed to acquire and manage collections. Four commenters expressed general support for libraries and advocated for more support for libraries and area studies collections. One commenter praised the proposed changes to the library criteria, indicating that the changes would likely result in more collaboration and coordination among libraries thereby easing access to area content across libraries. One commenter expressed concern that the proposed changes to the library criteria de-emphasize HEA, title VI funding to libraries. One commenter praised the inclusion of ''library'' in the adequacy of resources selection criteria for NRC and FLAS. The same commenter did not see the word ''rare'' in the proposed regulation when talking about library collections and suggested we add it and suggested including non-extractive collection practices as a signifier of excellence. One commenter noted that applicants and grantees cannot set library policies. One commenter supported evaluating libraries on the basis of access and not on the basis of financial support in the selection criteria for the NRC and FLAS Fellowships Programs.

Discussion: We acknowledge and appreciate the critical contributions that area studies librarians and other information specialists make to area studies and modern foreign language education. Vital research and innovative forms of educational outreach, including knowledge dissemination, would not be possible without their efforts. We agree that experts with specialized knowledge are crucial to curating, expanding, and providing access to materials that support area studies research and teaching throughout the United States. Important library collections are a definitional characteristic of comprehensive NRCs, and under § 656.21(c)(2), library resources will be evaluated by consideration of collections, specifically including the extent to which they are unique, rare, or distinctive, and policies, as well as human resources. However, to better reflect the critical role that librarians and other information specialists play, we are revising the selection criterion to clarify that such experts do not merely support collections but take an active role in administration of these collections, and the full range of expertise required for experts in the field. Although we do not include a reference to non-extractive collection practices in the final regulations, applicants may discuss such approaches if they believe they demonstrate current best practices or professional standards associated with an important library collection.

Funding for area studies library collections and staff represents an important investment in educational infrastructure that supports national security and prosperity. We do not believe these selection criteria will discourage title VI project funding for libraries. We address libraries in the selection criteria because libraries are an important component of area studies educational infrastructure, and these selection criteria support the selection of applications for funding on the statutorily required basis of excellence. We acknowledge that grantees may be unable to set policies for other administrative units or program, but the regulations require applicants to address multiple indicators of excellence, including access to library collections. In this context, access encompasses both access to physical materials as well as access to digital resources, including rare or distinctive resources. We believe the selection criteria will allow for a balanced consideration of available resources, including experts, as well as accessibility.

Changes: We have revised § 656.21(c)(2) to refer to collections that are ''managed'' by experts ''with appropriate professional training.''

Placement of Graduates for the NRC Program and the FLAS Fellowships Program

Comments: One commenter suggested that NRCs should not be measured by their placement of graduates in jobs or graduate programs because universities do not have the ability to place students in specific jobs or programs. The commenter suggested that, while NRCs should prepare their graduates to enter into public service, they should not be evaluated on this basis.

Discussion: Under the HEA, the Department must ''consider an applicant's record of placing students into postgraduate employment, education, or training in areas of national need and an applicant's stated efforts to increase the number of such students that go into such placements.'' [8] The selection criteria appropriately implement this requirement, which applies to both the NRC Program and the FLAS Fellowships Program.

Changes: None.

Consideration of Barriers to Equitable Access and Employment Practices for the NRC Program and the FLAS Fellowships Program

Comments: One commenter suggested removing proposed § 656.21(a)(5), relating to non-discriminatory hiring practices, from the selection criteria for the NRC Program. The commenter also stated the program statute does not include or support any consideration of barriers to equitable access in the selection criteria for the FLAS

[7] *https://www.jlpt.jp/e/about/levelsummary.html.*

[8] 20 U.S.C. 1127(b).

Fellowships Program at § 657.21(e)(2). Two commenters noted an IHE's hiring practices govern the practices of all administrative units, preventing a single administrative unit from developing its own policies.

Discussion: We proposed selection criteria addressing non-discriminatory hiring practices, in part, to facilitate monitoring for compliance with statutory and national policy requirements for Federal assistance, as described in 2 CFR 200.300 and 34 CFR 75.700. These requirements include, but are not limited to, those that protect free speech, religious liberty, public welfare, and the environment, and prohibit discrimination. However, we are convinced by commenters that, because institutional policies provide the general framework for the policies of subsidiary administrative units, the inclusion of selection criteria is not the most appropriate means to support grantee compliance with these national policy requirements. Further, we recognize that the experts who are selected to review NRC Program and FLAS Fellowships Program applications are selected because of their expertise in area studies and modern foreign languages, especially in a postsecondary education context, and not for their expertise in national policy requirements for Federal assistance or in policies that govern employment opportunities.

We believe it would be appropriate to require applicants to provide an assurance addressing employment practices as well as other topics related to institutional policies. We note that 34 CFR 100.4 identifies an assurance as an appropriate mechanism to support compliance with the Civil Rights Act of 1964 among grantees. We also believe an assurance related to travel policies will support compliance with 2 CFR 200.475. The final regulations incorporate these assurances and remove the selection criteria mentioned here.

With regard to § 657.21(e)(2), section 427 of the General Education Provision Act requires the Department's grantees to describe the steps the grantee will take to ensure equitable access to, and participation in, the federally funded activities. Consequently, grantees are required to provide similar information in their applications. We included a selection criterion derived from this statement for the FLAS Fellowships Program because it is an important component of program design that affects program implementation. Attention to equitable access and participation may increase the number of eligible students who apply for fellowships, which would enhance the competitive aspect of the selection process at grantee IHEs. Expert reviewers will evaluate this criterion as a component of a determination of the excellence of a proposed project. Eliminating this selection criterion would adversely affect our ability to select applications for funding on the statutorily required basis of excellence.

Changes: We have removed the selection criterion in § 656.21(a)(5) and added a requirement to §§ 656.11 and 657.11 that applicants submit an assurance of non-discriminatory hiring practices at the institution and an assurance that a travel policy exists at the institution.

Consideration of Project Goals and Plans for the NRC Program and the FLAS Fellowships Program

Comments: One commenter expressed satisfaction with the changes in the context of §§ 656.21(d)–(f) and 656.22(d)–(f). Another commenter expressed the need for further clarification about what changed in this selection criterion and asked that we provide additional guidance on defining goals and plans for projects.

Discussion: As discussed in the NPRM, we are revising §§ 656.21(d)–(f) and 656.22(d)–(f) to address project planning, including a consideration of a project's intended outcomes, the alignment of project activities and intended outcomes with the purposes of the program, and the evaluation plan for the project. A project's goals and plans must align with the program purposes, but applicants will determine the goals and plans that are appropriate to their proposed projects. We will provide pre-application technical assistance to provide more detailed guidance to applicants regarding these selection criteria.

Changes: None.

Evaluation Plans for the NRC Program and the FLAS Fellowships Program

Comments: One commenter appreciated the clarity of the proposed selection criteria related to evaluation and noted the proposed approach clearly defined impact metrics. Two commenters noted that high-level outcomes cannot be effectively tracked without expensive and complex evaluation plans. One commenter lauded the perceived change from tracking individual activities to tracking high-level outcomes but noted that the impact of certain initiatives may not be fully realized within a single project period. One commenter welcomed explicit openness to non-quantitative data as a component of evaluation plans in the proposed selection criteria. Two commenters indicated grantees already include qualitative data in evaluation plans.

Discussion: We agree that focusing on the intended outcomes of a project is likely to lead to useful evaluation plans that build evidence of project impact in a more effective manner than evaluation plans that simply track the completion of project activities. We already work with grantees during routine monitoring throughout the project period of an award to ensure that project activities are implemented. In responding to the selection criteria, applicants should articulate a proposed project's intended outcomes and how they plan to evaluate the extent to which those intended outcomes are realized by the end of the project period. We are aware that complex evaluation plans may be costly and time-consuming, but reasonable costs for evaluation activities are allowable. We expect grantees to track the attainment of goals and the realization of intended outcomes in as cost-effective manner as possible. We anticipate this approach will allow grantees to track and reflect on progress toward these goals and outcomes, even if the impact of project activities is not yet fully realized by the end of the project period. We have revised the final selection criteria addressing project planning and evaluation to clarify that they pertain to ''proposed'' projects and ''intended'' outcomes, as evaluating the actual attainment of these intended outcomes is not possible until after the project period begins.

As commenters noted, the inclusion of qualitative and quantitative data in evaluation plans is commonplace among grantees. We believe applicants should have the option to propose an evaluation plan that best aligns with a project's intended outcomes and proposed activities.

Changes: We have changed all references to ''project'' and ''project outcomes'' in the selection criteria addressing project planning and evaluation to ''proposed project'' and ''proposed project's intended outcomes,'' respectively.

Competitive Preference Priorities for the NRC Program and the FLAS Fellowships Program

Comments: Two commenters provided comments about specific priorities that we have used in past competitions, but that were not in the proposed regulations.

Discussion: These comments address competitive preference priorities for the most recent NRC and FLAS competitions and go beyond the

regulations currently under consideration. However, we appreciate the comments insofar as they help inform the design of future competitions.

Changes: None.

Reporting Requirements for the NRC Program and the FLAS Fellowships Program

Comments: A commenter requested that we add a method for measuring and reporting the inclusion of diverse perspectives.

Discussion: We appreciate the commenter's recommendation, but the statute does not address reporting requirements for the NRC and FLAS Fellowships Programs related to diverse perspectives. We incorporate reporting on this topic into the routine performance reporting requirements for grantees under these programs.

Changes: None.

Cooperation Among National Resource Centers

Comments: Several commenters expressed concern about how § 656.1(a) characterized grantees under the NRC Program as a group that acts cooperatively to meet the program purposes, noting that it could be interpreted as a mandate for specific project activities. One of these commenters noted that collaboration is valuable. Another commenter noted the proposed change holds promise. One commenter noted the proposed change may have an unintended consequence of reducing collaboration between NRCs and community colleges and minority-serving institutions. The commenter also indicated that major research universities already work collaboratively with one another. Two commenters expressed support for the proposed changes and described how collaboration among current NRCs has been critical to Southeast Asian studies. One of these commenters suggested that collaboration should be a point of emphasis for the NRC Program. One commenter asked about the type of documentation that will be required to demonstrate cooperation.

Discussion: Cooperation and collaboration are vital approaches to addressing national needs for area studies and modern foreign language education in the United States. The example of Southeast Asian studies illustrates how grantees take a joint approach to addressing national needs for the purpose of leveraging scarce resources that will create additional educational opportunities for postsecondary students at multiple IHEs. Moreover, the comments present a false dichotomy between cooperation among NRCs and between these NRCs and minority-serving institutions. In fact, some minority-serving institutions are current grantees under the NRC Program. The regulations do not require specific project activities or documentation. On the contrary, the regulations provide applicants with substantial flexibility to propose a wide range of project activities that serve the program purposes. The NRC Program provides awards to multiple IHEs that serve as national resources for area studies and modern foreign language education. A programmatic commitment to cooperation supports the program's purpose.

Changes: None.

Program Eligibility for the NRC Program

Comments: One commenter highlighted the disparities in higher education funding in the United States and suggested that NRC program funds should be directed to public university systems in cities of known disparity. The commenter also suggested considering the size of an IHE's endowment in determining program eligibility.

Discussion: The statute sets the basic eligibility criteria for this program, including that all IHEs or consortia of IHEs are eligible to apply. Furthermore, the statute specifically excludes the consideration of geographical distribution within the United States as a criterion for making awards.[9] All awards under the NRC program are made through a determination of excellence, per statutory requirements. The final rule, particularly through the selection criteria for undergraduate NRCs, supports the creation of a diverse network of centers.

Changes: None.

Undergraduate National Resource Centers

Comments: One commenter supported the effort to highlight the differences between comprehensive and undergraduate NRCs at § 656.3(b)–(c) but contended that any change likely would not increase the diversity of the network of undergraduate NRCs. Several commenters emphasized that linking program eligibility to the Carnegie Classification of IHEs, especially through counts of degrees awarded, would be problematic for the NRC Program and that any change affecting the definition of the undergraduate NRC category potentially would eliminate several current NRCs hosted at IHEs with an R1 designation and limit the overall diversity of institutions funded through the undergraduate NRC category by excluding universities with an R1 designation, public land grant universities, and other types of institutions. One commenter noted that the proposed regulations did not include any limit on eligibility based on the numbers of degrees awarded. One commenter noted that the proposed rule potentially would be more restrictive than the program statute if the undergraduate NRC category were limited to four-year baccalaureate colleges. The commentor also stated that large universities, especially universities with an R1 classification, have substantial institutional capacity that allows for the maximal leveraging of grant funds, even if the institutional commitment to area studies is limited to undergraduate education. One commenter offered a similar observation about the capacity of larger universities, especially those with an R1 classification. The commenter also suggested definitional criteria to identify undergraduate NRCs, such as an IHE's or academic unit's commitment to undergraduate education, degrees awarded by a particular academic unit, or the percentage of funding or teaching activity dedicated to undergraduate education. One commenter highlighted that any consideration of institutional characteristics may obscure the role played by current undergraduate NRCs as supporters of academic units that predominantly or exclusively serve large numbers of undergraduate students, despite the institution's overall level of engagement in graduate education. One commenter also described undergraduate NRCs as the foundation on which new comprehensive NRCs are built. Rather than focusing on the size of an institution or the number of degrees awarded, the commenter suggested categorizing Centers based on a proposed Center's primary student audience and considering the total number of awards an institution receives under the NRC Program as an alternative method for distinguishing comprehensive NRCs from undergraduate NRCs. Two commenters noted that counting degrees offered within a specific area studies specialty at a university is difficult because institutional categories for educational programs may not identify the entire population of students engaged in area studies, which would complicate implementing a precise requirement based on the number of degrees awarded in a single area studies specialty.

[9] 20 U.S.C. 1127(c).

Discussion: We appreciate the commenters' variety of viewpoints on this issue. Under the regulations, the undergraduate NRC category is not based solely on the number or types of degrees awarded at an IHE. As commenters noted, in the NPRM, we stated that, in the context of proposed § 656.22(b)(1), an institution ''predominantly'' serves undergraduate students when baccalaureate or higher degrees represent at least 50 percent of all degrees but where fewer than 50 master's degrees or 20 doctoral degrees were awarded in the most recent year preceding the application deadline for which data is available. We are revising § 656.22(b)(1) to shift the focus from the institution's overall program offerings and mission to more simply evaluate the quality of relevant academic programs available to undergraduate students, and, accordingly, in these final regulations, we do not consider what it means to ''predominantly'' serve undergraduate students at the institutional level. We have revised § 656.30(b)(7) to provide that, for undergraduate Centers, project activities funded under the NRC Program must predominantly benefit the instruction and training of undergraduate students. This change aligns with the shift in focus from institutional characteristics to the proposed project and an institution's academic programs. This limitation also aligns with the selection criteria at §§ 656.22(d)(1) and 656.22(e)(2), which reference definitional criteria at § 656.3(c), as well as the statutory definitional characteristic that undergraduate centers make ''training available predominantly to undergraduate students.'' [10] Furthermore, we agree limiting eligibility for the undergraduate NRC category solely to four-year colleges would run counter to the statutory definition of undergraduate centers, which prescribes that such a center should be ''an administrative unit of an IHE, including but not limited to 4-year colleges.'' [11] These changes better align the selection criteria and cost limitations with the statute. Accordingly, all IHEs in the United States that otherwise meet the general definition will remain eligible to apply under the undergraduate NRC category.[12]

We reaffirm our commitment to implement the program statute in a manner that clearly differentiates comprehensive NRCs from undergraduate NRCs based on the definitional characteristics outlined in the statute because we share commenters' interest in ensuring the NRC Program will support ''a diverse network of undergraduate'' Centers and programs.[13] Although we agree with commenters that large, research-oriented IHEs with substantial commitments to advanced graduate education may allow undergraduate NRCs to leverage grant funds in ways that are not possible at smaller institutions, comprehensive NRCs located at such universities already avail themselves of such opportunities. Moreover, this is not one of the statutory definitional characteristics of either center type and treating it as such would risk overlooking the substantial contributions that smaller institutions, such as four-year colleges, make to the national educational infrastructure in foreign language and area studies fields, while encouraging uniformity rather than diversity among applicant and grantee institutions. Consequently, the regulations recognize the distinct purposes of comprehensive NRCs and undergraduate NRCs without creating a preference for a single type of IHE.

Commenters raised the possibilities of focusing on the numbers of degrees awarded in area studies fields, the primary types of students served by a Center, or the institutional resources allocated to undergraduate education as alternatives to a narrow focus on the number of degrees across all fields and levels awarded at an institution. None of these suggestions would represent a feasible alternative that would address the statutory definitional requirements for Center types. Precisely counting the number of area studies degrees awarded by an institution, as commenters mentioned, is extremely difficult if this count spans all educational programs with relevant area studies and foreign language components rather than a more limited set of formal area studies educational programs. Given the diversity of educational programs and institutions, we would not be able to enforce a single standardized method for counting that is directly comparable across all institutions, so a numerical eligibility criterion for undergraduate centers likely would benefit institutions that implemented the most advantageous counting methodologies without further aligning centers with the statutory definitional characteristics. Likewise, determining the primary student audience for a Center or an institutional allocation of resources to undergraduate education would fail to make meaningful distinctions between comprehensive Centers and undergraduate Centers. Both types of Centers support undergraduate education and introducing a requirement for precise calculations of resource allocations for undergraduate area studies and language education would face the same difficulties as precise degree counts. A Center as an administrative unit within an IHE cannot be neatly untangled from the rest of the institution.

Rather than introducing numerical criteria not described in the program statute, we choose to emphasize the statutory definitional criteria and the program purpose, including the statute's interest in providing grants to a diverse network of undergraduate centers. The selection criteria for undergraduate Centers in these regulations reflect this approach.

The HEA does not provide that an undergraduate Center represents a stage in a process that concludes with the establishment of a comprehensive Center. The purposes of the two Center types are sufficiently distinct that we do not presume one type of Center will evolve into the other type over time, even though the statute does not preclude it. Applicants make the final decisions about the NRC type they are applying under and their proposed project activities.

Changes: We have revised § 656.3(c)(7) to emphasize undergraduate education. We have revised § 656.22 to more clearly emphasize that undergraduate Centers should focus on undergraduate students as well as to highlight the formation of a diverse network of undergraduate Centers. We have also revised § 656.22(c) regarding library collections for undergraduate Centers and § 656.30(b)(7) to indicate that undergraduate Centers must benefit the instruction and training of undergraduate students.

Special Purpose Grants Under the NRC Program

Comments: Eight commenters approved of the clarification provided about special purpose grants in § 656.4 as well as the selection criteria developed for those grants in § 656.23. One of those commenters did express some confusion about what entities might be able to apply for these special grants. Many of the approving comments specifically mentioned that library collections and summer language institutes could benefit from such grants. One other commenter suggested defining special purpose grants in a way that addresses the need for collaborative infrastructure projects in scholarly

[10] 20 U.S.C. 1132(a)(10).

[11] 20 U.S.C. 1132(a)(10).

[12] 20 U.S.C. 1132(a)(6).

[13] 20 U.S.C. 1122(a)(1)(A)(ii).

communication with open access in mind. One commenter expressed concern that applying for a special purpose grant would require extra effort for an NRC grantee.

Discussion: The special purpose grants described in § 656.4 are authorized under 20 U.S.C. 1122(a)(4) as a component of the NRC Program. Accordingly, NRCs are the only eligible entities. The selection and implementation of these grants occurs independently of any awards made by parts of title 34 of the Code of Federal Regulations other than part 656. Consequently, these special purpose grants are unrelated to any forms of Federal assistance authorized under the Mutual Education and Cultural Exchange act of 1961 (Fulbright-Hays Act) or by other sections of title VI of the HEA. Selection of projects for funding as awards described in § 656.4 is separate from the selection of comprehensive and undergraduate NRCs for funding, as described at § 656.20(a). Accordingly, while applying for a special purpose grant will require extra effort for NRCs interested in applying, there is no requirement that NRCs apply and if they do so they will be applying to a separate program with its own separate application. We would expect, therefore, that NRCs would only apply to this program if the perceived potential benefits of receiving an award would outweigh the burden of completing and submitting an application.

Changes: We have changed the wording at § 656.4 to ''special purpose grants,'' and added the word ''additional'' to § 656.23, to more clearly delineate them from NRC grants.

Institutional Capacity at IHEs, Project Design, and the NRC Program

Comments: In response to the selection criteria in §§ 656.21(a)(2), 656.22(a)(2), 656.21(a)(4), and 656.22(a) relating to institutional capacity, one commenter noted that NRC leaders do not always play a role in institutional leadership. The commenter suggested that enhancing institutional capacity might be understood as allocating resources to help develop and support programming. The commenter alluded to a special role for the current NRCs in the International category as the primary agents of capacity building.

Discussion: We adopt selection criteria in order to implement a statutorily required determination of excellence. The selection criteria incorporate an evaluation of existing capacity as well as proposed project activities. The regulations define a NRC as an administrative unit with the capacity to coordinate educational initiatives related to its area of focus. The new selection criteria addressing institutional capacity in the regulations reformulate the criteria addressing long-term impact of proposed grant activities that have been a component of the NRC Program for decades. Accordingly, the extent to which an applicant proposes to build institutional capacity that will outlast the project period is an appropriate indicator that an applicant is capable of coordinating educational initiatives and that Federal funds are being spent effectively for project activities in support of program purposes. Eliminating these criteria would not be responsive to the finding of Congress that, ''Systematic efforts are necessary to enhance the capacity of IHEs in the United States for (A) producing graduates with international and foreign language expertise and knowledge; and (B) research regarding such expertise and knowledge.'' [14] Similarly, removing these criteria would not serve the program purposes or national needs related to expertise and knowledge in modern foreign languages, area studies, and other similar fields.

We are aware that applicants and grantees may face difficulties and challenges when building institutional capacity through their projects, but we are not convinced that doing so is impossible in the context of the NRC Program. The comments on this topic fail to account for ambitious and successful projects executed by grantees over many decades across all program categories, especially in the categories with a geographic area of focus. Grantees are highly effective in allocating funds in ways intended to contribute to long-term effects. Grantees have used grant funds to cover substantial portions of the cost associated with seeding faculty hires. Grantees have also piloted courses using grant funds to demonstrate that certain courses, especially those in the less commonly taught languages, are viable and can be sustained without grant funding or with substantially reduced amounts of grant funding. Grantees routinely support library collections development. Grantees also build sustainable outreach programs that can exist without grant funds or that can be expanded using grant funds because core elements of these efforts have been institutionalized.

In implementing these discretionary grant programs, we are adopting selection criteria that support the selection of applications for funding from applicants who are likely to have this type of impact. The success of grantees in these initiatives may be related to the choice of project activities and the ability to align project activities with the missions of their respective institutions. The new selection criteria require the articulation of alignment among project activities, the intended outcomes of the project and the program purpose. We expect this approach will make project design more transparent and intentional by requiring applicants to explain the alignment between programming or activities and a particular purpose or goal. According to this approach, the number or variety of activities funded by a project is much less important or consequential than the contribution that each high quality and program-relevant activity is likely to make toward realizing the project's intended outcomes.

When revising these program regulations, we must adopt a perspective that accounts for the high degree of variation among IHEs. The comment attempts to generalize a condition that only exists at IHEs that receive many concurrent awards under the NRC Program by suggesting that NRCs in the current international category are the most capable agents of capacity building, especially at institutions with many area studies centers. The NRC Program benefits from the diversity of organizational arrangements and experimentation in organizational forms at IHEs. We appreciate the cooperation among grantees implied in this statement, but the precise nature of the relationships among administrative units within an institution is determined by many contingent organizational factors that are not components of the NRC Program. In addition, if a proposed project primarily exists to coordinate other proposed projects from area studies centers, the project may struggle at the implementation phase if the area studies centers are not also funded and thus unable to contribute project resources. Moreover, although grantee institutions may develop hierarchical organizational structures to administer area and international studies centers, nothing in the program statute requires or implies a fixed hierarchy among Centers across the program's administrative world area categories. Institutional circumstances give rise to a variety of arrangements, and grantees thrive in many different environments.

The comments point to the need to reevaluate the terminology in §§ 656.21(d)(3) and 656.22(d)(3) as well as in selection criteria that address project outcomes. The final regulations incorporate a broader interest in both

[14] 20 U.S.C. 1121(a)(4).

academic and institutional capacity. We decline to define these terms in these regulations, but we generally interpret academic and institutional capacity as the human, organizational, material, and intellectual resources that enable teaching, research, and the dissemination of knowledge related to area studies and international studies. We expect grantees' efforts to build academic or institutional capacity that will strengthen the educational infrastructure in their respective areas of focus.

Changes: We have added the phrase ''academic and/or'' before the word ''institutional'' in §§ 656.21(d)(3), 656.22(d)(3), and 656.23(a)(4).

Financial Support and Staff for the NRC Program

Comments: Two commenters stated that a selection criterion addressing support for a center as administrative unit would elicit a response different from a criterion that addressed all support at an institution, leading to a concern that an institution would appear to lack sufficient support. These two commenters expressed confusion about the change to §§ 656.21 (a)(2) and 656.22 (a)(2) since the existing regulations already ask for qualifications of Center staff. One of those commenters, however, went on to object to the proposed regulations' limitation of these selection criteria to Center staff. One of these commenters also noted the proposed approach would eliminate consideration of personnel qualifications of individuals apart from the project director and Center staff from the selection process. One commenter noted that differentiating support for a Center's project from more general support for a Center may be difficult and requested a specific definition of ''institutional support.'' One commenter welcomed this change in focus and noted that the reduced scope may lead to a reduction in burden hours associated with the application. Three commenters strongly objected to the proposed change since the commenters' institutions rely on teaching faculty and staff to run their Centers' projects. These commenters were concerned that limiting these selection criteria to the qualifications of Center staff would restrict consideration of faculty qualifications, leading to the failure to receive title VI funding. One commenter suggested that personnel qualifications have subgroupings of university administration, Center administration, Center staff, and Center faculty and lecturers. One commenter expressed approval of the changes to §§ 656.21 (a)(2) and 656.22 (a)(2).

Discussion: These selection criteria address the administrative capacity of the administrative unit on campus responsible for implementation of the grant project. Transparency about the resources available to that unit is important because these resources provide indicators of excellence and support responsible stewardship of Federal funds during project implementation. At a minimum, we expect all grantees to be capable of administering Federal funds, overseeing the implementation of project activities, and meeting all reporting obligations. Although applicants may discuss units and arrangements that support the administrative unit's capacity to administer the grant, a wide-ranging discussion of all resources relevant to an applicant's area of focus is unnecessary because other selection criteria address specific types of support in relation to instruction, research, libraries, and outreach. Likewise, other selection criteria allow an evaluation of the qualifications of specific types of personnel, such as faculty, in an appropriate context. The selection criteria allow for an evaluation of the administrative capacity of a proposed NRC as well as of an evaluation of other personnel and resources in a manner that does not conflate the two. The presence of highly qualified faculty at an institution may support significant research and effective instruction without directly contributing to project administration. Similarly, a project is unlikely to be successful if several highly qualified individuals are not directly engaged in project administration. All these elements are present in the selection criteria. We do not see the need to define ''institutional support.'' However, we are persuaded to revise the selection criteria to adequately account for the full range of personnel directly involved in project implementation, including faculty who administer project activities.

Changes: We have revised §§ 656.21(a)(2) and 656.22(a)(2) to include ''other staff, including relevant staff and faculty'' who ''administer the proposed Center and oversee the implementation of project activities.''

Outreach at National Level for the NRC Program

Comments: In response to the selection criteria at §§ 656.21(c) and 656.22(c), two commenters suggested allowing NRC grantees to determine national initiatives after the grant is awarded.

Discussion: Plans for outreach activities must be devised as part of the application process so that expert reviewers can review, assess, and score those plans. This means any planning for outreach activities with national impact must be devised prior to award.

Changes: None.

Allowable Costs for the NRC Program

Comments: Several commenters expressed concern at the proposed cost limitations in § 656.30(5) for the NRC Program related to personnel costs because personnel who are not involved in the instruction of Less Commonly Taught Languages may be an important component of implementing proposed projects. Two commenters specifically addressed the limitation on compensation for project directors.

Discussion: We acknowledge that project personnel serve in many different roles to support the successful implementation of projects funded under the NRC Program. Personnel such as educational outreach specialists make critical contributions to these projects, and many activities simply would not be possible or implemented as successfully without such skilled individuals. The regulations strike a balance between ensuring institutions' commitment to the project and providing applicants with the flexibility necessary to propose high-quality projects that address needs in area studies and modern foreign language education.

The addition of a limitation on compensation for individuals who are not engaged in the instruction of Less Commonly Taught Languages supports this aim. Although funds from a single award may not cover the cost of more than 50 percent of the compensation, including fringe benefits, for such an individual, multiple awards may fund such personnel up to 100 percent of actual compensation costs, even though no one award may go above this limit.

The project director is the individual identified as the ''project director'' or ''recipient project director'' on the grant award notice (GAN) because they have sufficient authority and overall responsibility for implementing a project selected for funding on behalf of an IHE. Some grantees may refer to this role as a ''principal investigator'' for administrative purposes. The project director is considered key personnel. Project directors typically serve as the director of an administrative unit and are faculty at the grantee institution. Because these individuals frequently fill administrative roles at their institutions and receive compensation for that role, the cost limitation on compensation for project directors supports the NRC Program's goal of supplementing rather than supplanting grant funds. Project

directors usually are experts in one or more aspects of area studies and modern foreign language education, and the person initially identified as the project director might change during the project period because these roles tend to be associated with an individual's role within an institution. For example, an individual responsible for implementing a specific project activity based on their expertise may serve as the project director for a portion of the project period, even if they were not initially identified as the project director in the NRC application. Accordingly, project directors should not be prevented from receiving other allowable, reasonable, and allocable payments related to the implementation of activities described in an application selected for funding under the NRC Program.

In reconsidering allowable personnel costs, the Department further reviewed allowable costs and cost limitations for the program more generally. In addition to Center personnel, faculty, and other university staff, we determined that alumni also may contribute to project implementation and a Center's effort to evaluate the quality of project implementation. Accordingly, we added alumni to the list of appropriate objects of linkages explicitly authorized by § 656.30(a)(8). We also made additional technical changes to update terminology related to approvals and add clarity. These technical changes will support efficient program implementation.

Changes: We added alumni to § 656.30(a)(8). We removed the words ''are pre-approved'' and replaced them with ''have received prior approval'' at § 656.30(b)(2). We combined proposed § 656.30(b)(4) with proposed § 656.30(b)(5) and expanded the discussion to clarify limitations on personnel costs. We renumbered the remaining elements in § 656.30(b). We removed ''pre-approval'' from what is now § 656.30(b)(5) and replaced it with ''prior approval.''

Educational Program Fellow Eligibility Criterion for the FLAS Fellowships Program

Comments: One commenter welcomed the attention to a fellow's educational program and the encouragement to develop formal curricular options in area studies and modern foreign language instruction at § 657.4. Six commenters expressed concern that many educational programs, especially programs in professional and STEM fields, do not have explicit requirements for language instruction, so the number of eligible students in these programs potentially would decrease. Two commenters noted the specific difficulty of integrating language or area studies instruction into STEM programs, but one commenter indicated that such integration may be possible within a decade. One commenter suggested rewording the criterion to allow for the option for instruction or research in area studies, specifically to maximize the potential eligibility of students in STEM fields. One commenter suggested limiting the criterion to academic year fellowships. One commenter expressed a general concern that the criterion would be problematic for students with financial need and students from underrepresented groups.

Discussion: We appreciate commenters' analysis and suggestions related to the educational program eligibility criterion for the FLAS Fellowships Program. We acknowledge that any change to the fellow eligibility criteria for the program may change the composition of fellowship recipients. As discussed in the NPRM, we maintain that a holistic emphasis on educational programs rather than solely focusing on individual courses during a specific academic term is more likely than other approaches to ensure that fellowships are supporting the structured and intentional training of experts within appropriate curricular frameworks. Such a reliance on educational programs fits broadly within the accreditation framework for IHEs and ensures that IHEs maintain control over instructional content and curriculum. However, we acknowledge the concerns raised by commenters that students in STEM and professional educational programs with a substantial commitment to area or international studies may be unable to satisfy fellowship eligibility criteria because of the highly structured nature of these programs. Accordingly, the final regulations balance the program's purpose to cultivate expertise through advanced training in area and international studies with an interest in cultivating diverse types of expertise across a wide variety of academic specializations that promote national security and prosperity.

We accept the commenter's suggestion to limit the application of an educational program eligibility criterion to fellows receiving academic year fellowships. The FLAS Fellowships program has long operated under the assumption that academic year fellowships and summer fellowships serve distinct purposes. The academic year fellowships have required and continue to require that fellows enroll in both area studies courses and modern foreign language courses while they pursue their degrees. The academic year fellowships also provide limited support for dissertation research and writing. By contrast, summer fellowships have been and remain more narrowly focused exclusively on the intensive study of a foreign language. The latter category of fellowships frequently supports fellows to study at overseas language programs or at domestic summer language institutes, both of which represent vital components of area studies and foreign language education infrastructure. Because most educational programs at IHEs do not include mandatory summer coursework, intensive summer language study is a viable mechanism for students in any field of study to increase their proficiency in a foreign language without delaying timely progress toward degree completion. This approach ensures that many qualified students across a multitude of IHEs will be eligible for summer fellowships.

In general, we regard a student's educational program to encompass all formal curricular options available to a student at a given IHE. The nomenclature for these curricular options varies by institution. Such curricular options include, but are not limited to, major fields of study, general education requirements as well as any certificates, concentrations, specializations, minor fields of study, or other established components of an institution's curriculum. The common feature of these curricular options is that they represent a recognized and structured course of study for a student. In most cases, academic advisors, faculty, or some combination of both are knowledgeable about these options and, because these curricular options are a formal component of an institution's curriculum, institutions have demonstrated to accreditors that sufficient educational infrastructure exists to support these programs. This approach is quite flexible and recognizes that many students with a deep commitment to area studies and modern foreign language expertise do not enroll in a major field of study formally described as area studies or offered by a standalone interdisciplinary area studies department.

Under § 657.4(f), several educational program scenarios would meet the eligibility requirements for an academic year fellowship, such as an undergraduate pursuing a major in international studies that ordinarily allows a student to take courses in a regional specialization and a foreign language would be eligible. Likewise, an undergraduate student double majoring in computer science and history with a

minor in Chinese or any modern foreign language would be eligible if the history major ordinarily includes courses on internationally oriented topics. An undergraduate with general education requirements for foreign language courses and courses on global topics would be eligible. A doctoral student in a political science department pursuing a concentration in an internationally oriented field such as international relations or comparative politics would be eligible, provided that the degree also ordinarily includes an expectation of proficiency in one or more foreign languages. A master's student pursuing a specialty in global public health and a graduate certificate in African studies that incorporates a language course requirement likewise would be eligible for an academic year fellowship. These examples are not an exhaustive list of all eligible educational programs, but these examples are illustrative of the general principle that are codified with the criterion. The core expectation is that the student has selected one or a combination of curricular options that, when considered in their totality, requires or ordinarily includes coursework in area studies or international studies as well as a modern foreign language component. Academic year fellows must satisfy the educational program eligibility criterion during the fellowship term, so a student who aspires or plans to pursue a suitable educational program generally without completing the process determined by their IHE to declare, select, or otherwise formally indicate their intention to complete an appropriate educational program generally would not be eligible to receive a fellowship.

This curriculum-based approach to the educational program eligibility criterion aligns fellowship support with a fellow's overall academic trajectory. Although interdisciplinary area studies programs are likely to meet this expectation, such programs are not the only pathway to satisfying the educational program eligibility criterion. The selection criterion in § 657.21(b)(1) requires applicants to explain the extent to which the applicant's curriculum provides training options for students from a variety of disciplines and professional fields, and the extent to which the curriculum and associated requirements (including language requirements) are appropriate for the applicant's area of focus and result in educational programs of high quality for students who will be served by the proposed allocation of fellowships. We encourage applicants to address this selection criterion with the educational program eligibility criterion in mind because applicants may describe relevant educational programs that are not formal area studies programs when addressing this selection criterion.

Despite the substantial flexibility incorporated into the educational program eligibility criterion, we acknowledge that students specializing in STEM or professional fields are likely to face an acute lack of eligible educational programs, especially at the graduate level, and that the creation of such programs can only be accomplished through substantial and sustained effort over an extended period of time. Consequently, we have revised the criterion to incorporate an alternative approach to the educational program requirement for students in educational programs that include substantial amounts of coursework in STEM or professional fields. The revised approach allows students who meet this description to demonstrate fellowship eligibility by showing they have the option to take required area studies and modern foreign language courses required by the fellowship and by selecting these courses under the advisement of one or more individuals with appropriate area studies qualifications and knowledge of the student's educational program. In the absence of a formal curricular option, this advising requirement ensures the fellow's courses are chosen with a degree of intentionality and in support of the student's academic trajectory. For the purposes of interpreting this eligibility criterion, we generally would regard professional fields as those involving specialized training that typically involve educational programs leading to professional degrees and/or licensure prior to beginning professional practice. These fields include, but are not limited to, law, medicine, education, and dentistry.

This ad hoc approach may prove less necessary in the future when appropriate formal curricular options become available because students specializing in these fields will be best served when they have routine access to suitable instruction and training through formal curricular options. Formal curricular options not only indicate an intentional academic and intellectual commitment to students, but these formal curricular options also are potential ways to reduce or eliminate administrative barriers that prevent students from accessing suitable training and instruction, such as different tuition rates within an institution or incompatible procedures for course registration. The revised approach is not intended to imply that any preference or special benefit is afforded to students in professional or STEM fields. Rather, this criterion is intended to support the overall purpose of the FLAS Fellowships Program, which is to support the development of experts through advanced training in modern foreign languages as well as area studies or the international aspects of other fields.

We distribute a limited amount of funding under the NRC Program and the FLAS Fellowships Program on the basis of excellence to stimulate activities that align with the purposes of these programs. Foreign language and area studies curricula are a reasonable component of this determination and for subsequent determinations of the eligibility of FLAS fellows. The program's commitment to interdisciplinarity necessarily includes support for innovative interdisciplinary curricula that integrate these types of expertise with professional and STEM fields. Additionally, achieving this form of interdisciplinarity may be achieved from more than one direction and more than one pathway. In addition to expanding the representation of international and foreign language education within STEM and professional programs, programs with a firm grounding in international and foreign language education may innovate by integrating appropriate elements of STEM and professional fields.

Education also extends beyond a single degree at a single IHE. Given the lifelong nature of learning, FLAS fellows may pursue multiple degrees or postsecondary education credentials, for example, an undergraduate who majors in international studies will continue to benefit from expertise in international topics and languages if that same undergraduate enrolls in a graduate program in a STEM or professional field. The FLAS Fellowships Program is not the only program that supports the intersection of STEM education, professional education, and international and foreign language education. Section 656.30(a)(10) specifically allows NRCs to engage in activities intended to increase modern foreign language proficiency among students in the STEM fields. IHEs may propose complementary projects that address the approaches and issues discussed above.

Changes: We revised the introductory paragraph of § 657.4 to indicate that the educational program requirement applies only to academic year FLAS fellows. Paragraph (c) of proposed

§ 657.4 has been moved and redesignated as paragraph (f) in the final regulations. This paragraph has been revised to clarify the general applicability of the educational program criterion and expanded to include § 657.4(f)(2), which addresses the educational program eligibility criterion that applies to certain students in STEM and professional fields. In addition, paragraphs (d)–(f) of proposed § 657.4 have been redesignated as paragraphs (c)–(e).

Fellowship Payments Under the FLAS Fellowships Program

Comments: We received 33 comments that expressed criticism of the proposed change to a single stipend payment rather than a stipend payment and an institutional payment for FLAS fellowships. The criticism focused on tax implications for students, complications with Federal student aid, the potential loss of health insurance currently provided by some institutions, higher tuition costs, and other unintended consequences. Numerous commenters expressed concern that limiting FLAS to a stipend payment would increase the tax burden of students because a higher stipend would increase taxable income for students receiving FLAS fellowships. Some commenters indicated that a large stipend would complicate Federal student aid calculations, perhaps even leading FLAS students to max out their stipend allowance since some institutions place a limit on how much funding one student can receive in any given year. Other commenters expressed concern that at their institutions, issuing the fellowship using a stipend-only approach would make FLAS students ineligible for ''fellow'' status, which would have implications for tuition remission and health insurance provision at their institutions. One commenter also said that their institution includes fringe benefits as a component of the FLAS fellowship and the stipend-only approach would alter the status of FLAS fellows thereby complicating the administration of the fellowship. Given that the aim of using a stipend-only approach is to simplify FLAS administration, this commenter made the point that we are replacing complexity with a different form of complexity. Overall, commenters on this topic, all of whom indicated that they currently administer allocations of FLAS fellowships, appear to agree that the current approach to administering allocations of FLAS fellowships with separate stipend and institutional payments is likely to be easier and more beneficial to FLAS fellows than the changes proposed in the NPRM.

Discussion: We proposed a stipend-only approach, in part, in an attempt to lighten the burden of administering FLAS grants at grantee institutions. We also wanted to provide FLAS fellows with more control over the funding they receive in the belief that it would provide flexibility while extending the reach of their funding. The comments we received allay the concerns we had. The commenters assured us that FLAS administration is not too burdensome and that instituting a stipend-only payment is likely to cause unintended consequences that will not benefit FLAS fellows. The commenters also alerted us to other fees and expenses fellows have, including, but not limited to, health insurance premiums. Given the continued use of the institutional payment, we clarify the allowable costs for the institutional payment component of the fellowship in the final regulations. We also clarified how these payments interact with other Federal fellowships and added a disclosure requirement when a fellow receives multiple Federal fellowships to reduce the likelihood that an improper payment will be made. A FLAS fellow generally may receive the full amount of multiple stipend payments, provided the fellowships support distinct program purposes. However, the amount of a fellow's institutional payment under the FLAS Fellowships Program cannot exceed actual costs related to the fellow's cost of attendance. Moreover, certain allowances permissible under the FLAS Fellowships Program, such as dependent allowances, may be disallowed for an individual fellow if such a payment would be duplicative of a component of another Federal award.

Changes: We have reverted to the two-payment system that the previous regulations used (see § 657.5). We have expanded the definition of ''institutional payment'' at § 657.7(b) to align the components of the payment with fees students are typically expected to pay as students of the institution they attend. We have included a definition of ''travel allowance'' as well at § 657.7(b), which provides more detail and clarity as to what FLAS travel allowances may cover. We have clarified the applicability of the various fellowship payments and the notices announcing the permissibility and amounts of these payments in § 657.5(c)–(d). We have added a disclosure requirement and further clarification related to multiple Federal fellowships at § 657.30(g).

Advising for Fellows in the FLAS Fellowships Program

Comments: Three commenters indicated providing academic or career advising specifically for FLAS fellows would violate principles of equity by establishing a separate standard for fellows. One of these commenters suggested an alternative formulation for § 657.21(c)(2), which would evaluate: ''engaged academic and career advising that is responsive to individual fellow's strengths and experiences.''

Discussion: We do not agree that an expectation for advising would further distinguish a group of program beneficiaries under the FLAS Fellowships Program who have been selected to receive fellowships. IHEs that receive an allocation of fellowships and personnel responsible for administering FLAS fellowships at these IHEs must ensure that fellows meet fellowship requirements. This obligation necessarily entails providing relevant information to fellows and, to the extent possible, ensuring fellows have access to the necessary forms of advising because fellows have obligations that typically are distinct from the obligations common to all students at an institution. The proposed selection criterion at § 657.21(c)(2), potentially extended the scope of advising issues related to compliance and safety, which are directly related to program implementation. The final selection criterion is more narrowly focused, but it does not preclude applicants from discussing all forms of advising available to fellows, including career advising.

Changes: ''Career'' has been removed from § 657.21(c)(2) and replaced with ''other relevant'' forms of advising that address ''compliance with fellowship requirements.'' In addition, the other forms of advising now include, ''and, as appropriate, safety while studying outside the United States.''

Research and Study Abroad in the FLAS Fellowships Program

Comments: One commenter expressed satisfaction with the new language at § 657.21(c)(4) clarifying the study abroad component of the Quality of Faculty and Academic Resources selection criterion for the FLAS Fellowships Program. The commenter believed it is important for FLAS to support advanced language study abroad.

Discussion: We included this selection criterion because it is an important component of program design and supports the selection of applications for funding on the

statutorily required basis of excellence. FLAS fellows benefit greatly from access to opportunities to language instruction and research opportunities in the United States as well as outside the United States.

Changes: None.

Role of Distance Education in the FLAS Fellowships Program

Comments: Three comments expressed support for the proposed inclusion of distance education as a means for fellows to satisfy course requirements for the FLAS Fellowships Program. One of these comments specifically indicated that distance education enhances access to courses at the national level.

Discussion: We appreciate the support from commenters. Distance education may prove vital to expanding access to high quality instruction, especially in the Less Commonly Taught Languages.

Changes: None.

Role of Internships in the FLAS Fellowships Program

Comments: One commenter expressed support for the allowability of internships for FLAS fellows.

Discussion: Internships may help fellows achieve their educational and professional goals. However, as specified in the regulations, coursework or dissertation research remain the primary means for fellows to satisfy program requirements for the FLAS Fellowships Program. Nevertheless, we encourage fellows to engage in experiential learning opportunities that utilize their modern foreign language and area studies expertise.

Changes: None.

Transfers of Funds Among Grantees Under the FLAS Fellowships Program

Comments: One commenter thought grantees should be allowed to transfer excess FLAS balances to other grantee IHEs that have received an allocation of fellowships. The commenter argued that this would enable collaboration as well as increase efficiency and flexibility in the FLAS Fellowships Program.

Discussion: Under 2 CFR 200.308(c), grantees may not make changes to project scope and project objectives without prior Department approval. When an applicant institution submits its FLAS Fellowships Program application for an allocation of fellowships, it is requesting FLAS fellowships explicitly to serve eligible students at the applicant institution. In the case of an allocation of fellowships for Middle East studies, for example, the applicant institution commits to supporting students at that institution studying specific languages in the Middle East world area and related area studies training. If the applicant institution receives the grant supporting students studying the approved languages of the Middle East at that institution, that defines the scope of the project. Transferring excess funds from one FLAS grantee to another FLAS grantee would transfer funds to a project with a different scope, effectively changing the scope of the initial project.

Changes: None.

Clock Hour

Comments: None.

Discussion: In proposed § 655.4, we defined ''clock hour'' for the purpose of part 655 and the International Education Programs, but we continued to use ''contact hour'' rather than ''clock hour'' in the proposed definition of ''intensive language instruction'' and in the NRC Program priority related to the intensity of language instruction in proposed § 656.24(a)(3).

Changes: We have revised §§ 655.4(b) and 656.24(a)(3) to substitute ''clock hour'' for ''contact hour'' in the definition of ''intensive language instruction'' and in a possible priority for the NRC Program, respectively.

Institutional Responsibilities Under the FLAS Fellowships Program

Comments: None.

Discussion: We believe it would be helpful to provide institutions receiving allocations of fellowships under part 657 a single, streamlined reference to their responsibilities under this part. Accordingly, we are adding § 657.34 to assist grantees by providing a consolidated reference point of the post-award responsibilities that attach to an institution receiving funding under this part. This administrative addition does not add or alter any substantive responsibilities of institutions receiving funding under part 657.

Changes: The Department has added § 657.34 to clarify and contain a single reference to the post-award responsibilities of an institution receiving funding under this part with respect to the administration of fellowship awards.

Good Academic Standing for FLAS Fellows

Comments: None.

Discussion: Both the original and proposed regulations utilized the term ''good standing'' in the regulations for the FLAS Fellowships Program. This term may be unnecessarily ambiguous without additional explanatory statements. We are clarifying the regulations to specify that our interest is in academic standing rather than any other types of standing. This term is widely used by IHEs and the precise meaning of the term follows the institutional policies at each IHE that receives an allocation of fellowships.

Changes: The term ''academic'' was inserted between ''good'' and ''standing'' in § 657.31(c).

Stakeholder Engagement

Comments: One commenter, who submitted a comment on behalf of multiple associations, suggested a 30-day window for public comments may reduce the number of comments submitted. The commenter expressed a hope that we will take comments seriously despite the short comment period.

Discussion: We have received numerous comments on the proposed regulations, including the commenter's comment. We assure the commenter that we have taken all comments seriously, including this one.

Changes: None.

Executive Orders 12866, 13563, and 14094

Regulatory Impact Analysis

Under Executive Order (E.O.) 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the E.O. and subject to review by the Office of Management and Budget (OMB). Section 3(f) of E.O. 12866, as amended by E.O. 14094, defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $200 million or more (adjusted every three years by the Administrator of the Office of Information and Regulatory Affairs (OIRA) for changes in gross domestic product); or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, territorial, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise legal or policy issues for which centralized review would meaningfully further the President's priorities or the principles stated in the Executive order, as specifically authorized in a timely manner by the Administrator of OIRA in each case.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866 (as amended by E.O. 14094).

We have also reviewed these regulations under E.O. 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in E.O. 12866. To the extent permitted by law, E.O. 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account, among other things, and to the extent practicable, the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or providing information that enables the public to make choices.

E.O. 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' OMB's OIRA has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

The Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action, and we are issuing these final regulations only on a reasoned determination that their benefits justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on the analysis that follows and the reasons stated elsewhere in this document, the Department believes that the final regulations are consistent with the principles in E.O. 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, territorial, or Tribal governments in the exercise of their governmental functions.

In this regulatory impact analysis, we discuss the need for regulatory action, the potential costs and benefits, and net budget impacts.

Discussion of Costs and Benefits

The potential costs to applicants, grant recipients, and the Department associated with the final regulations will be minimal, while there will be greater potential benefits to applicants, grant recipients, and the Department. We anticipate a minimal increase in NRC Program and FLAS Fellowships Program applications due to the revision of the selection criteria, so we foresee minimal impact on the Department's time and cost of reviewing these applications.

Over the last four years, the amount of funding for the NRC Program has ranged from approximately $23.7 to $29.3 million per year with 155 eligible grant applications received and reviewed in the most recent competition. Of these applicants, 98 received grant awards in fiscal year 2022, and an additional 15 of these applicants ultimately received grant awards through funding down the slate in fiscal year 2023. Over the same period, the amount of funding for the FLAS Fellowships Program has remained stable at approximately $31.2 million per year, with 160 eligible grant applications received and reviewed in the most recent competition. We awarded grants to 112 of these applications in fiscal year 2022.

The number of applications for both programs has remained relatively steady across recent competitions, but the number of grant awards for the NRC Program has increased slightly after funding down the slate. The Department expects the number of applications and grant rewards to remain relatively the same in future years.

The changes to the selection criteria require the Department to develop new technical review forms. These regulations also require the Department to update program guidance and technical assistance materials for applicants, peer reviewers, and grant recipients. The Department anticipates the costs associated with these activities to be minimal, because we already engage in an ongoing process to revise, update, and improve these materials for each competition for these programs.

Similarly, these changes to the selection criteria have no effect on current grant recipients under both programs. The Department also believes these changes will have little net effect on applicants. Applicants already develop new applications for each competition in response to a notice inviting applications that may contain new competitive preference priorities or a new allocation of points for the existing selection criteria. The revised selection criteria refer to similar types of data as the current selection criteria. The Department foresees that the costs for applicants and grant recipients that result from the proposed changes to the selection criteria will be minimal.

The Department foresees that current grant recipients under the FLAS Fellowships Program may incur minor costs associated with program administration due to the revised program regulations. Although the regulations do not make any major changes to the FLAS Fellowships Program, grant recipients will need to familiarize themselves with the new regulations and update any references to the regulations that appear in their documents developed to assist program administration, especially in documents distributed to students and current and prospective fellows. The cumulative net impact of the revised fellow eligibility criteria and the revised program selection criteria are expected to have minimal impact on the number of applications that recipient IHEs will need to process. The Department expects the anticipated costs of the new disclosure requirement for fellows who receive multiple Federal fellowships to be minimal. This situation is uncommon and IHEs will implement disclosure processes responsive to local conditions and practices.

The benefits of amending these regulations include (1) clarifying statutory language, (2) redesigning the selection criteria to reduce redundancy to improve the application process, and (3) updating the current regulations to reflect current practices in program administration and relevant fields of education. We anticipate that the clarifications, reductions to the number of selection criteria, and adjustments to project administration requirements will reduce the burden on applicants and grant recipients for both the NRC Program and FLAS Fellowships Program.

Alternatives Considered

The Department reviewed and assessed various alternatives to the proposed regulations. The Department considered maintaining current regulations and developing additional technical assistance and guidance to address emerging topics in modern

foreign language and area studies education, especially distance education. The Department also considered developing extensive new technical assistance and guidance to explain the differences that exist among similar sections of the regulations for both programs. The Department determined that revising the regulations was the most efficient option to decrease administrative burden and ensure that the programs fulfill their statutory purposes.

Elsewhere in this section under *Paperwork Reduction Act of 1995,* we identify and explain burdens specifically associated with information collection requirements.

Regulatory Flexibility Act Certification

The Secretary certifies that the final regulations will not have a significant economic impact on a substantial number of small entities. The small entities that would be affected by the proposed regulations are IHEs that would submit applications to the Department under this program.

The Small Business Administration (SBA) defines ''small institution'' using data on revenue, market dominance, tax filing status, governing body, and population. The majority of entities to which the Office of Postsecondary Education's (OPE) regulations apply are postsecondary institutions, however, which do not report such data to the Department. As a result, for purposes of these final regulations, the Department continues to define ''small entities'' by reference to enrollment, to allow meaningful comparison of regulatory impact across all types of higher education institutions. The enrollment standard for small less-than-two-year institutions (below associate degrees) is less than 750 full-time-equivalent (FTE) students and for small institutions of at least two but less-than-4-years, and 4-year institutions, less than 1,000 FTE students.[15] As a result of discussions with the SBA, this is an update from the standard used in some prior rules. Those prior rules applied an enrollment standard for a small two-year institution of less than 500 full-time-equivalent (FTE) students and for a small 4-year institution, less than 1,000 FTE students.[16] The Department consulted with the Office of Advocacy for the SBA and the Office of Advocacy has approved the revised alternative standard. The Department continues to believe this approach most accurately reflects a common basis for determining size categories that is linked to the provision of educational services and that it captures a similar universe of small entities as the SBA's revenue standard.

TABLE 1—SMALL INSTITUTIONS UNDER ENROLLMENT-BASED DEFINITION

Level	Type	Small	Total	Percent
2-year	Public	328	1,182	27.75
2-year	Private	182	199	91.46
2-year	Proprietary	1,777	1,952	91.03
4-year	Public	56	747	7.50
4-year	Private	789	1,602	49.25
4-year	Proprietary	249	331	75.23
Total		3,381	6,013	56.23

Source: 2018–19 data reported to the Department.

As the table indicates, these final regulations will affect IHEs that meet the definition of small entities. They will not have a significant economic impact on these entities, however, because they will not impose excessive regulatory burdens or require unnecessary Federal supervision. The final regulations impose minimal requirements to ensure the proper expenditure of program funds.

Paperwork Reduction Act of 1995

As part of its continuing effort to reduce paperwork and respondent burden, the Department provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This helps ensure that the public understands the Department's collection instructions, respondents can provide the requested data in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the Department can properly assess the impact of collection requirements on respondents.

Sections 656.21, 656.22, 656.23, and 657.21 of the regulations contain information collection requirements. Under the PRA, the Department has submitted a copy of these sections to OMB for its review. A Federal agency may not conduct or sponsor a collection of information unless OMB approves the collection under the PRA and the corresponding information collection instrument displays a currently valid OMB control number. Notwithstanding any other provision of law, no person is required to comply with, or is subject to penalty for failure to comply with, a collection of information if the collection instrument does not display a currently valid OMB control number. In these final regulations, we provide the control number assigned by OMB to any information collection requirements proposed in this NPRM and adopted in the final regulations.

The information collection that is impacted by these regulatory changes is the current Application for the NRC and FLAS Fellowships Programs (1840–0807). This information collection includes application instructions and forms for the NRC Program (ALN Number 84.015A) and the FLAS Fellowships Program (ALN Number

[15] In regulations prior to 2016, the Department categorized small businesses based on tax status. Those regulations defined ''nonprofit organizations'' as ''small organizations'' if they were independently owned and operated and not dominant in their field of operation, or as ''small entities'' if they were institutions controlled by governmental entities with populations below 50,000. Those definitions resulted in the categorization of all private nonprofit organizations as small and no public institutions as small. Under the previous definition, proprietary institutions were considered small if they are independently owned and operated and not dominant in their field of operation with total annual revenue below $7,000,000. Using FY 2017 IPEDs finance data for proprietary institutions, 50 percent of 4-year and 90 percent of 2-year or less proprietary institutions would be considered small. By contrast, an enrollment-based definition applies the same metric to all types of institutions, allowing consistent comparison across all types.

[16] In those prior rules, at least two but less-than-four-years institutions were considered in the broader two-year category. In this iteration, after consulting with the Office of Advocacy for the SBA, we separate this group into its own category.

84.015B), authorized under title VI of the Higher Education Act of 1965, as amended (20 U.S.C. 1122).

The NRC Program provides grants to IHEs or consortia of IHEs to establish, strengthen, and operate comprehensive and undergraduate foreign language and area or international studies centers. These centers serve as centers of excellence for world language training and teaching, research, and instruction in fields needed to provide full understanding of areas, regions, or countries where the languages are commonly used. The FLAS Fellowships Program awards allocations of fellowships, through IHEs or consortia of IHEs, to meritorious students enrolled in programs that offer instruction in world languages in combination with area studies, international studies, or the international aspects of professional studies.

Together, these programs respond to the ongoing national need for individuals with expertise and competence in world languages and area or international studies; advance national security by developing a pipeline of highly proficient linguists and experts in critical world regions; and contribute to developing a globally competent workforce able to engage with a multilingual/multicultural clientele at home and abroad.

Eligible IHEs use the information collection to submit applications to the Department to request funding in response to the competition announcement. After grant applications are submitted, the Department determines the budget and staff resources it needs to conduct the peer review of applications and post award activities. External review panels use the information to evaluate grant applications and to identify high-quality applications. When developing funding slates, Department program officials consider the evaluations from the expert review panels, in conjunction with the NRC and FLAS legislative purposes and any Administration priorities. Department program officials also use the collection to inform strategic planning; to establish goals, performance measures and objectives; to develop monitoring plans; or to align program assessment standards with Department performance goals and initiatives.

Over many grant cycles, administering the NRC and FLAS grant competitions using the current selection criteria has been unwieldy and burdensome for both applicants and peer reviewers. The Secretary revised the selection criteria to clarify selection criteria, eliminate redundant criteria, reduce the burden on applicants and peer reviewers, and improve alignment with the statute, particularly with regard to comprehensive and undergraduate Centers. The Secretary reduced the comprehensive NRC selection criteria from 10 criteria with 27 sub-criteria to six criteria with 23 sub-criteria; the undergraduate NRC selection criteria from 10 criteria with 26 sub-criteria to six criteria with 23 sub-criteria; and the FLAS selection criteria from nine criteria with 22 sub-criteria to six criteria with 22 sub-criteria. The proposed criteria include some new criteria for the NRC Program, including a ''quality of existing academic programs'' criterion, and also for FLAS, including ''project design and rationale'' and ''project planning and budget'' criteria.

ED's Office of Postsecondary Education, International and Foreign Language Education (OPE–IFLE) has used the information received for the current collection to develop technical assistance materials for grantees, such as program administration manuals and technical assistance webinars, to inform the performance reporting requirements for these programs, and to demonstrate the impact of these programs. Competitions for these grants occur once every four years. The data in the table is an estimate of the time it takes for respondents to complete official forms, develop the application narrative and budget, and submit completed applications through the *Grants.gov* system.

The NRC application (1840–0807) is affected by the changes to the NRC selection criteria (§§ 656.21, 656.22, and 656.23), which require changes on the application package and technical review forms. This information collection no longer addresses aspects of the FLAS program. The changes to the NRC selection criteria clarify interpretations of statutory language and redesign the selection criteria. The final regulations remove ambiguity and redundancy in the selection criteria and definitions of key terms, improve the application process, and align the administration of the programs with the developments in modern foreign languages and area studies education.

The FLAS application (1840–0867) is affected by the changes to the FLAS selection criteria (§§ 657.21), which require changes on the application package and technical review forms. This new information collection reflects the separation of the applications for the NRC and FLAS programs. The changes to the FLAS selection criteria clarify interpretations of statutory language and redesign the selection criteria. The regulations remove ambiguity and redundancy in the selection criteria and definitions of key terms, improve the application process, and align the administration of the programs with the developments in modern foreign languages and area studies education.

Previously, both applications were combined into one information collection for the Application for the NRC and FLAS Fellowships Programs (1840–0807). These regulations necessitate fully separating the information collection into two distinct information collections. The NRC and FLAS Fellowships Programs' application had previously been estimated to have 27 burden hours. Based on a commenter's assertion that our previous calculations severely underestimated the burden hours and costs of this collection, the application now is estimated to have a burden of 420 hours. When multiplied by 165 respondents, this results in Total Annual Burden hours of 69,300. The Total Annual Costs for the application are determined to be $2,286,900 when the burden hours are multiplied by the commenter's recommended hourly wage of $33.

The NRC Program and FLAS Fellowships Program compete only once every four years. The application packages are cleared with OMB once every three years. For every three-year clearance period, the competitions are run once. Because of the separation of the two information collections, the Total Annual Burden Hours and Total Annual Costs are halved, as demonstrated in the tables below. For both the NRC Program and the FLAS Fellowships Program, 420 hours to complete both applications is reduced to 210 hours each. When multiplied by 165 respondents this yields Total Annual Burden Hours of 34,650 and Total Annual Costs of $1,143,450. Averaged over three years, the Total Annual Burden Hours are 11,550 and the Total Annual Costs are $381,150 for each program.

NRC PROGRAM (1840–0807)

Affected type	Number of respondents	Number of responses	Average burden hours per response	Estimated respondent average hourly wage	Total annual burden hours	Total annual costs
Institutions, private or non-profit	165	165	210	$33	11,550	$381,150

FLAS FELLOWSHIPS PROGRAM (1840–0867)

Affected type	Number of respondents	Number of responses	Average burden hours per response	Estimated respondent average hourly wage	Total annual burden hours	Total annual costs
Institutions, private or non-profit	165	165	210	$33	11,550	$381,150

The NRC application (1840–0807) is affected by the changes to the NRC selection criteria (§§ 656.21, 656.22, and 656.23), which will require changes on the application package and technical review forms. The calculation of burden hours is not affected by the regulatory changes, but we agreed with a commenter's assertion that our previous calculations severely underestimated the burden hours and costs of this collection.

Regulatory section	Information collection	OMB Control No. and estimated burden
§§ 656.21, 656.22, and 656.23	These proposed regulatory provisions would require changing the application package and technical review forms to reflect the modified selection criteria for this program.	1840–0807. The number of respondents would remain constant at 165. The number of total burden hours for the application is 11,550 when averaged over three years. The averaged total cost is $381,150.

The FLAS application (1840–0867) is affected by the changes to the FLAS selection criteria (§ 657.21), which require changes to the application package and technical review forms. The calculation of burden hours is not affected by the regulatory changes, but by the commenter's assertion that our previous calculations severely underestimated the burden hours and costs of this collection.

Regulatory section	Information collection	OMB Control No. and estimated burden
§ 657.21	These regulatory changes require changing the application package and technical review forms to reflect the modified selection criteria for this program.	1840–0867. The number of respondents will remain constant at 165. The number of total burden hours for the application is 11,550 when averaged over three years. The averaged total cost is $381,150.

We prepared an Information Collection Request (ICR) for each of these programs to reflect these changes to the information collection requirements. We invited the public to comment on the ICR but did not receive any comments other than the comment addressed above.

The collection of information contained in these regulations is being submitted to OMB for clearance simultaneously with this Final Rule under the OMB control numbers 1840–0807 and 1840–0867.

Intergovernmental Review

The proposed regulations are not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Federalism

Executive Order 13132 requires us to ensure meaningful and timely input by State and local elected officials in the development of regulatory policies that have federalism implications. ''Federalism implications'' means 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. The final regulations do not have federalism implications.

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List of Subjects

34 CFR Part 655

Colleges and universities, Cultural exchange programs, Educational research, Educational study programs,

Grant programs—education, Scholarships and fellowships.

34 CFR Part 656

Colleges and universities, Cultural exchange programs, Educational research, Educational study programs, Grant programs—education, Reporting and recordkeeping requirements.

34 CFR Part 657

Colleges and universities, Cultural exchange programs, Educational study programs, Grant programs—education, Reporting and recordkeeping requirements, Scholarships and fellowships.

Nasser Paydar,

Assistant Secretary for Postsecondary Education.

For the reasons discussed in the preamble, the Secretary of Education amends parts 655, 656, and 657 of title 34 of the Code of Federal Regulations as follows:

PART 655—INTERNATIONAL EDUCATION PROGRAMS—GENERAL PROVISIONS

■ 1. The authority citation for part 655 is revised to read as follows:

Authority: 20 U.S.C. 1121–1130b and 1132–1132–7, unless otherwise noted.

■ 2. Amend § 655.1 by revising paragraph (a) to read as follows:

§ 655.1 Which programs do these regulations govern?

* * * * *

(a) The National Resource Centers Program for Foreign Language and Area Studies and the Foreign Language and Area Studies Fellowships Program (section 602 of the Higher Education Act of 1965, as amended);

* * * * *

§ 655.3 [Amended]

■ 3. Amend § 655.3 by:

■ a. Removing paragraphs (a) and (d).

■ b. Redesignating paragraphs (b) through (c) as paragraphs (a) through (b).

■ 4. Revise § 655.4 to read as follows:

§ 655.4 What definitions apply to the International Education Programs?

(a) The following terms used in this part and 34 CFR parts 656, 657, 658, 660, 661, and 669 are defined in 2 CFR part 200, subpart A, 34 CFR 77.1, 34 CFR 600.2, or 34 CFR 668.2:

(1) Academic engagement.
(2) Acquisition.
(3) Applicant.
(4) Application.
(5) Award.
(6) Budget.
(7) Clock hour.
(8) Contract.
(9) Correspondence course.
(10) Credit hour.
(11) Distance education.
(12) Educational program.
(13) EDGAR.
(14) Enrolled.
(15) Equipment.
(16) Facilities.
(17) Fiscal year.
(18) Full-time student.
(19) Graduate or professional student.
(20) Grant.
(21) Grantee.
(22) Grant period.
(23) Half-time student.
(24) Local educational agency.
(25) National level.
(26) Nonprofit.
(27) Project.
(28) Project period.
(29) Private.
(30) Public.
(31) Regular student.
(32) Secretary.
(33) State educational agency.
(34) Supplies.
(35) Undergraduate student.

(b) The following definitions apply to International Education Programs:

Area studies means a program of comprehensive study of the aspects of a world area's society or societies, including study of history, culture, economy, politics, international relations, and languages.

Areas of national need means the various needs in the government, education, business, and nonprofit sectors for expertise in foreign language, area, and international studies identified by the Secretary as significant for maintaining or improving the security, stability, and economic vitality of the United States.

Consortium of institutions of higher education means a group of institutions of higher education that have entered into a cooperative arrangement for the purpose of carrying out a common objective, or a public or private nonprofit agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective on their behalf.

Consultation on areas of national need means the process that allows the head officials of a wide range of Federal agencies to consult with the Secretary and provide recommendations regarding national needs for expertise in foreign languages and world areas that the Secretary may take into account when identifying areas of national need.

Diverse perspectives means a variety of viewpoints relevant to understanding global or international issues in context, especially those derived from scholarly research or sustained professional activities and community engagement abroad, and relevant to building multifaceted knowledge and expertise in area studies, international studies, and the international aspects of professional studies, including issues related to world regions, foreign languages, and international affairs, among stakeholders.

Educational program abroad means a program of study, internship, or service learning outside the United States that is part of a foreign language or other international curriculum at the undergraduate or graduate education level.

Institution of higher education means an institution that meets the definition in section 101(a) of the Higher Education Act of 1965, as amended, as well as an institution that meets the requirements of section 101(a) except that—

(1) It is not located in the United States; and

(2) It applies for assistance under title VI of the Higher Education Act of 1965, as amended, in consortia with institutions that meet the definition in section 101(a).

Intensive language instruction means instruction of at least five clock hours per week during the academic year or the equivalent of a full academic year of language instruction during the summer.

■ 5. Add § 655.5 to read as follows:

§ 655.5 What are the purposes of the International Educational Programs?

(a) Each of the programs authorized by part A of title VI of the Higher Education Act of 1965, as amended, contributes to at least one, but not necessarily all, of the following purposes:

(1) Provision of support for centers, programs, and fellowships in institutions of higher education in the United States for producing increased numbers of trained personnel and research in foreign languages, area studies, and other international studies.

(2) Development of a pool of international experts to meet national needs.

(3) Development and validation of specialized materials and techniques for foreign language acquisition and fluency, emphasizing (but not limited to) the less commonly taught languages.

(4) Promotion of access to research and training overseas, including through linkages with overseas institutions.

(5) Advancement of the internationalization of a variety of

disciplines throughout undergraduate and graduate education.

(6) Support for cooperative efforts promoting access to and the dissemination of international and foreign language knowledge, teaching materials, and research, throughout education, government, business, civic, and nonprofit sectors in the United States, through the use of advanced technologies.

(b) The regulations in this part govern the following programs that are authorized by part A of title VI of the Higher Education Act of 1965, as amended:

(1) The National Resource Centers Program for Foreign Language and Area Studies and the Foreign Language and Area Studies Fellowships Program.

(2) The Language Resource Centers Program.

(3) The Undergraduate International Studies and Foreign Language Program.

(4) The International Research and Studies Program.

(c) The following activities authorized by part A of title VI of the Higher Education Act of 1965, as amended, contribute to the coordination of the programs of the Federal Government in the areas of foreign language, area studies, and other international studies, including professional international affairs education and research:

(1) The consultation on areas of national need.

(2) The periodic survey of fellows who have participated in the Foreign Language and Area Studies Fellowships Program to determine postgraduate employment, education, or training.

(d) Each of the programs authorized by part B of title VI of the Higher Education Act of 1965, as amended, contributes to at least one, but not necessarily all, of the following purposes:

(1) Increase and promotion of the Nation's capacity for international understanding and economic enterprise through the provision of suitable international education and training for business personnel in various stages of professional development; and develop a pool of international experts to meet national needs.

(2) Promotion of institutional and noninstitutional educational and training activities that will contribute to the ability of United States business to prosper in an international economy.

(e) The regulations in this part govern the following programs that are authorized by part B of title VI of the Higher Education Act of 1965, as amended: The Business and International Education Program.

■ 6. Revise § 655.30 to read as follows:

§ 655.30 How does the Secretary evaluate an application?

The Secretary evaluates applications for International Education Programs using the criteria described in one or more of the following:

(a) The general criteria in § 655.31.

(b) The specific criteria, as applicable, in subpart C of 34 CFR parts 656 and 657, or subpart D of 34 CFR parts 658, 660, 661, and 669.

■ 7. Amend § 655.31 by revising paragraph (e)(2)(i) to read as follows:

§ 655.31 What general selection criteria does the Secretary use?

* * * * *

(e) * * *

(2) * * *

(i) Facilities (including but not limited to language laboratories, museums, and libraries) that the applicant plans to use are adequate; and

* * * * *

■ 8. Effective August 15, 2025, revise part 656 to read as follows:

PART 656—NATIONAL RESOURCE CENTERS PROGRAM FOR FOREIGN LANGUAGE AND AREA STUDIES

Sec.

Authority: 20 U.S.C. 1121, 1122, 1127, and 1132 unless otherwise noted.

Subpart A—General

§ 656.1 What is the purpose of the National Resource Centers Program?

(a) Under the National Resource Centers Program for Foreign Language and Areas Studies (National Resource Centers Program), the Secretary awards grants to institutions of higher education and consortia of institutions to establish, strengthen, and operate comprehensive and undergraduate Centers that act cooperatively as national resources for—

(1) Teaching of modern foreign languages, especially less commonly taught languages;

(2) Instruction in fields of study needed to provide full understanding of areas, regions, or countries in which such languages are commonly used;

(3) Research and training in international studies and the international and foreign language aspects of professional and other fields of study; and

(4) Instruction and research on issues in world affairs that concern one or more countries.

(b) Through the activities described in paragraph (a) of this section, the National Resource Centers Program contributes to the purposes of the programs authorized by part A of title VI of the Higher Education Act of 1965, as amended, listed in § 655.5(a).

§ 656.2 What entities are eligible to receive a grant?

(a) An institution of higher education or a consortium of institutions of higher education is eligible to receive a grant under this part as either a comprehensive Center or undergraduate Center.

(b) An institution of higher education or a consortium of institutions of higher education that is a current recipient of a grant under this part as either a comprehensive Center or undergraduate Center is eligible to receive an additional grant under this part for special purposes related to library collections, outreach, and summer institutes, as described in § 656.4.

§ 656.3 What defines a comprehensive or undergraduate National Resource Center?

(a) A Center's area of focus for research, teaching, training, instruction, and project activities must be aligned with both of the following requirements:

(1) The area of focus must be a geographic world area or a geographically designated region that spans multiple world areas.

(2) Research, teaching, training, and instruction in specific languages, countries, regions, societies, or other units of analysis related to the area of focus described in this paragraph (1) must be conducted at the institution.

(b) A comprehensive Center is an administrative unit of an eligible institution of higher education that independently or through collaboration with other administrative units—

(1) Provides intensive modern foreign language training, especially for less commonly taught languages, in the Center's area of focus;

(2) Contributes significantly to the national interest in advanced research and scholarship in the Center's area of focus;

(3) Employs a critical mass of scholars in diverse disciplines related to the Center's area of focus;

(4) Maintains important library collections related to the Center's area of focus;

(5) Makes training available in language and area studies in the Center's area of focus, to graduate, postgraduate, and undergraduate students;

(6) Addresses national needs for modern foreign language and area studies expertise and knowledge, including through, but not limited to, the placement of students into postgraduate employment, education, or training in areas of need; and

(7) Disseminates information about the Center's area of focus to audiences in the United States.

(c) An undergraduate Center independently or through collaboration with other administrative units—

(1) Teaches modern foreign languages, especially less commonly taught languages, related to the Center's area of focus;

(2) Prepares undergraduate students to matriculate into advanced modern foreign language and area studies programs and professional school programs;

(3) Incorporates substantial content related to the Center's area of focus into baccalaureate degree programs;

(4) Engages in research and curriculum development designed to broaden knowledge and expertise related to the Center's area of focus;

(5) Employs faculty with strong language, area, and international studies credentials related to the Center's area of focus;

(6) Maintains library holdings sufficient to support high-quality training and instruction in the Center's area of focus for undergraduate students;

(7) Makes training related to the Center's area of focus available predominantly to undergraduate students in support of the objectives of a undergraduate education;

(8) Addresses national needs for language and area studies expertise and knowledge, including through, but not limited to, the placement of undergraduate students into postgraduate employment, education, or training in areas of need; and

(9) Disseminates information about the Center's area of focus to audiences in the United States.

§ 656.4 For what special purposes may a Center receive an additional grant under this part?

The Secretary may make additional special purpose grants to Centers for one or more of the following purposes:

(a) Linkage or outreach between foreign language, area studies, and other international fields and professional schools and colleges.

(b) Linkage or outreach with 2- and 4-year colleges and universities.

(c) Linkage or outreach between or among—

(1) Postsecondary programs or departments in foreign language, area studies, or other international fields; and

(2) State educational agencies or local educational agencies.

(d) Partnerships or programs of linkage and outreach with departments or agencies of Federal and State governments, including Federal or State scholarship programs for students in related areas.

(e) Linkage or outreach with the news media, business, professional, or trade associations.

(f) Summer institutes in area studies, foreign language, or other international fields designed to carry out the activities in paragraphs (a), (b), (d), and (e) of this section.

(g) Maintenance of important library collections.

§ 656.5 What regulations apply to this program?

The following regulations apply to this program:

(a) The regulations in 34 CFR part 655.

(b) The regulations in this part 656.

§ 656.6 What definitions apply to this program?

The following definitions apply to this part:

(a) The definitions in 34 CFR part 655.

(b) The following definitions, unless otherwise specified:

Critical mass of scholars means a concentration of modern foreign language and area studies faculty, researchers, and other similar personnel associated with a Center who collectively make significant contributions in a field of area studies because of their expertise and are distinguished by their training in many different academic disciplines in addition to their active engagement in interdisciplinary initiatives related to the Center's area of focus. The following are examples of other factors that may be considered in determining whether there is a *critical mass of scholars:*

(i) Whether instruction in many foreign languages is offered.

(ii) Whether specialized area studies or language instruction is regularly offered.

(iii) The number of graduate student research projects (dissertations, theses, or equivalents) supervised.

(iv) The degree of collaboration with international partners.

(v) Participation in professional activities or consultations with partners outside academia.

(vi) Professional awards and honors.

(vii) Roles in professional associations.

(viii) Activities funded by external grants.

(ix) The number of scholars relative to all similarly qualified individuals in the United States.

Institution means an institution of higher education, as defined in 34 CFR part 655. References to an institution include all institutions of higher education that operate as a consortium under this part.

National Resource Center (Center) means an administrative unit within an institution of higher education that is a grantee under this part that coordinates educational initiatives related to an area of focus as described in § 656.3(a) at that institution or for a consortium of institutions through direct access to faculty, staff, administrators, students, library collections and other research collections, and other educational resources that support research, training, and instruction in various academic disciplines, professional fields, and languages.

§ 656.7 Severability.

If any provision of this part or its application to any person, act, or practice is held invalid, the remainder of the part or the application of its provisions to any other person, act, or practice will not be affected thereby.

Subpart B—How Does an Eligible Institution Apply for a Grant?

§ 656.10 How does an institution submit a grant application?

The application notice published in the **Federal Register** explains how to apply for a new grant under this part.

§ 656.11 What assurances and other information must an applicant include in an application?

(a) Each institution of higher education, including each member of a consortium, applying for a grant under this part must provide all of the following:

(1) An explanation of how the activities funded by the grant will reflect diverse perspectives, as defined in part 655, and a wide range of views and generate debate on world regions and international affairs.

(2) A description of how the applicant will encourage government service in areas of national need, as identified by the Secretary, as well as in areas of need in the education, business, and nonprofit sectors.

(b) An applicant must submit an Applicant Profile Form, as described in the application package.

(c) An applicant must submit a description of the applicant's policy regarding non-discriminatory hiring practices.

(d) An applicant must submit a description of the applicant's travel policies, if such policies exist, or a statement that such policies do not exist.

(e) Each consortium applying for an award under this part must submit a group agreement (consortium agreement) that addresses the required elements of 34 CFR 75.128 and describes a rationale for the formation of the consortium.

Subpart C—How Does the Secretary Make a Grant?

§ 656.20 How does the Secretary select applications for funding?

(a) The Secretary evaluates an application for a comprehensive Center under the criteria contained in § 656.21, and for an undergraduate Center under the criteria contained in § 656.22. The Secretary evaluates applications for additional special purpose grants to Centers under the criteria contained in § 656.23.

(b) The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the **Federal Register**.

(c) The Secretary makes grant awards using a peer review process. Applications that share the same or similar area of focus, as declared by each applicant under § 656.3(a), are grouped together for purposes of review. Each application is reviewed for excellence based on the applicable criteria referenced in paragraph (a) of this section. Applications are then ranked within each group that shares the same or similar area of focus.

(d) The Secretary may determine a minimum total score required to demonstrate a sufficient degree of excellence to qualify for a grant under this part.

(e) If insufficient money is available to fund all applications demonstrating a sufficient degree of excellence as determined under paragraphs (a), (c), and (d) of this section, the Secretary considers the degree to which priorities derived from the consultation on areas of national need or established under the provisions of § 656.24 and relating to specific countries, world areas, or languages are served when selecting applications for funding and determining the amount of a grant.

§ 656.21 What selection criteria does the Secretary use to evaluate an application for a comprehensive Center?

The Secretary evaluates an application for a comprehensive Center on the basis of the criteria in this section.

(a) *Center scope, personnel, and operations.* The Secretary reviews each application to determine one or more of the following:

(1) The extent to which the proposed Center's area of focus meets the requirements in § 656.3(a).

(2) The extent to which the project director and other individuals, including relevant staff and faculty, are qualified to administer the proposed Center and oversee the implementation of project activities, including the degree to which they engage in ongoing professional development activities relevant to their roles at the proposed Center.

(3) The adequacy of governance and oversight arrangements for the proposed Center, including the extent to which faculty from a variety of academic units participate in administration and oversee outreach activities, and, for a consortium, the extent to which the consortium agreement demonstrates commitment to a common objective.

(4) The extent to which the institution provides or will provide financial, administrative, and other support for the operation of the proposed Center at a level sufficient to enable the administration of the proposed project and coordination of educational initiatives in the proposed Center's area of focus.

(b) *Quality of existing academic programs.* The Secretary reviews each application to determine one or more of the following:

(1) The extent to which the institution makes high-quality training, especially integrated interdisciplinary training in modern foreign languages and area studies, appropriate to the applicant's area of focus, available in the curricula for graduate, professional, and undergraduate students in a wide variety of educational programs.

(2) The extent to which the institution routinely provides language instruction, including intensive language instruction, relevant to the applicant's area of focus at multiple levels, as well as the degree to which these offerings represent distinctive commitments to depth or breadth.

(3) The extent to which qualified experts at the institution provide modern foreign language instruction in the applicant's area of focus, as well as the degree to which this instruction utilizes stated performance goals for functional foreign language use and the degree to which stated performance goals are met or are likely to be met by students.

(4) The extent to which the institution employs a critical mass of scholars in the applicant's area of focus, including the degree to which the institution employs enough qualified tenured and tenure-track faculty with teaching and advising responsibilities to enable the applicant to carry out interdisciplinary instructional and training programs supported by sufficient depth and breadth of course offerings in the applicant's area of focus.

(c) *Impact of existing activities and resources.* The Secretary reviews each application to determine one or more of the following:

(1) The extent to which the applicant, affiliated faculty, and institutional partners contribute significantly to the national interest in advanced research and scholarship related to the applicant's area of focus.

(2) The extent to which the institution's library holdings (print and non-print, physical and digital, English and foreign language) and other research collections are important library collections in the applicant's area of focus that support advanced training and research, including the degree to which holdings are made available to researchers throughout the United States, the degree to which collections include unique or rare resources, and the degree to which the collections are managed by experts in the applicant's

area of focus with appropriate professional training.

(3) The extent to which the applicant, including affiliated faculty and institutional partners, generates information about the applicant's area of focus, disseminates this information to various audiences in the United States, and effectively engages those audiences through sustained outreach activities at the regional and national levels that respond to the diverse needs of, for example, elementary and secondary schools, State educational agencies, postsecondary institutions, nonprofit organizations, businesses, the media, and Federal agencies.

(4) The extent to which the applicant's activities address national needs related to language and area studies expertise and knowledge, including, but not limited to, the applicant's record in placing students into post-graduate employment, education, or training in areas of national need related to language and area studies knowledge.

(d) *Project design and rationale.* The Secretary reviews each application to determine one or more of the following:

(1) The extent to which the intended outcomes of the proposed project are clearly specified, are possible to achieve within the project period, and address specific gaps or weaknesses in services, infrastructure, or opportunities related to the Center's area of focus, the purpose of the National Resource Centers Program described in § 656.1, and the comprehensive type of Center described in § 656.3(b).

(2) The extent to which the proposed project is likely to contribute to meeting national needs related to language and area studies expertise and knowledge, including, but not limited to, by the proposed project's intended outcomes and other stated efforts related to increasing the number of students that go into post-graduate employment, education, or training in areas of national need.

(3) The extent to which the proposed project is designed to build academic and/or institutional capacity in the Center's area of focus and sustain results beyond the project period.

(4) The extent to which the proposed project will reflect diverse perspectives, as defined in part 655, and a wide range of views and generate debate on world regions and international affairs.

(e) *Project planning and budget.* The Secretary reviews each application to determine one or more of the following:

(1) The extent to which all proposed activities are adequately described relative to their contribution to the proposed project's intended outcomes.

(2) The extent to which all proposed activities are of high quality, including the degree to which they align with the purpose of the National Resource Centers program described in § 656.1, the comprehensive type of Center described in § 656.3(b), and the proposed project's intended outcomes.

(3) The extent to which the proposed timeline of activities and other application materials, such as letters of support, demonstrate the feasibility of completing proposed activities during the project period.

(4) The extent to which all costs are itemized in the budget narrative and the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(f) *Quality of project evaluation.* The Secretary reviews each application to determine one or more of the following:

(1) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the proposed project.

(2) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving the proposed project's intended outcomes.

(3) The qualifications, including relevant training, experience, and independence, of the evaluator(s).

§ 656.22 What selection criteria does the Secretary use to evaluate an application for an undergraduate Center?

The Secretary evaluates an application for an undergraduate Center on the basis of the criteria in this section.

(a) *Center scope, personnel, and operations.* The Secretary reviews each application to determine one or more of the following:

(1) The extent to which the proposed Center's area of focus meets the requirements in § 656.3(a).

(2) The extent to which the project director and other individuals, including relevant staff and faculty, are qualified to administer the proposed Center and oversee the implementation of project activities, including the degree to which they engage in ongoing professional development activities relevant to their roles at the proposed Center.

(3) The adequacy of governance and oversight arrangements for the proposed Center, including the extent to which faculty from a variety of academic units participate in administration and oversee outreach activities, and, for a consortium, the extent to which the consortium agreement demonstrates commitment to a common objective.

(4) The extent to which the institution provides or will provide financial, administrative, and other support for the operation of the proposed Center at a level sufficient to enable the administration of the proposed project and coordination of educational initiatives in the proposed Center's area of focus.

(b) *Quality of existing academic programs.* The Secretary reviews each application to determine one or more of the following:

(1) The extent to which the institution makes high-quality training, especially integrated interdisciplinary training in modern foreign language and area or international studies, appropriate to the applicant's area of focus, available in educational programs for undergraduate students.

(2) The extent to which the institution routinely provides language instruction relevant to the applicant's area of focus, as well as the degree to which these offerings represent distinctive commitments to depth or breadth of coverage.

(3) The extent to which qualified experts at the institution provide modern foreign language instruction in the applicant's area of focus, as well as the degree to which this instruction utilizes stated performance goals for functional foreign language use and the degree to which stated performance goals are met or are likely to be met by undergraduate students.

(4) The extent to which the institution employs faculty with strong language, area, and international studies credentials related to the applicant's area of focus, including the degree to which the institution employs enough qualified tenured and tenure-track faculty with teaching and advising responsibilities, to enable the applicant to carry out instructional and training programs supported by sufficient depth and breadth of course offerings for undergraduate students in the applicant's area of focus.

(c) *Impact of existing activities and resources.* The Secretary reviews each application to determine one or more of the following:

(1) The extent to which the applicant would contribute to the formation of a diverse network of undergraduate Centers through the training of undergraduate students who matriculate into advanced language and area studies programs and professional school programs related to the applicant's area of focus, especially through, but not limited to, innovative curriculum design, linkages with other institutions of higher education or organizations, requirements for student research or study abroad, support for relevant

internship or other co-curricular opportunities, or specialized advising.

(2) The extent to which the institution's library holdings (print and non-print, physical and digital, English and foreign language), other research collections, and staffing support high-quality undergraduate training in the applicant's area of focus through the provision of basic reference works, journals, and works in translation but do not constitute an important library collection in the applicant's area of focus.

(3) The extent to which the applicant, including affiliated faculty and institutional partners, generates information about the applicant's area of focus, disseminates this information to various audiences in the United States, and effectively engages those audiences through sustained outreach activities at the regional and national levels that respond to the diverse needs of, for example, elementary and secondary schools, State educational agencies, postsecondary institutions, nonprofit organizations, businesses, the media, and Federal agencies.

(4) The extent to which the applicant's activities address national needs related to language and area studies expertise and knowledge, including, but not limited to, the applicant's record in placing undergraduate students into post-graduate employment, education, or training in areas of national need related to language and area studies knowledge, including into education and training at a variety of other institutions.

(d) *Project design and rationale.* The Secretary reviews each application to determine one or more of the following:

(1) The extent to which the intended outcomes of the proposed project are clearly specified, possible to achieve within the project period, and address specific gaps or weaknesses in services, infrastructure, or opportunities related to the Center's area of focus, the purpose of the National Resource Centers program described in § 656.1, and the undergraduate type of Center described in § 656.3(c).

(2) The extent to which the proposed project is likely to contribute to meeting national needs related to language and area studies expertise and knowledge, including, but not limited to, by the proposed project's intended outcomes and other stated efforts related to increasing the number of undergraduate students that go into post-graduate employment, education, or training in areas of national need.

(3) The extent to which the proposed project is designed to build academic and/or institutional capacity in the Center's area of focus and sustain results beyond the project period.

(4) The extent to which the proposed project will reflect diverse perspectives, as defined in part 655, and a wide range of views and generate debate on world regions and international affairs.

(e) *Project planning and budget.* The Secretary reviews each application to determine one or more of the following:

(1) The extent to which all proposed activities are adequately described relative to their contribution to the proposed project's intended outcomes.

(2) The extent to which all proposed activities are of high quality, including the degree to which they align with the purpose of the National Resource Centers program as described in § 656.1, the undergraduate type of Center described in § 656.3(c), and the proposed project's intended outcomes.

(3) The extent to which the proposed timeline of activities and other application materials, such as letters of support, demonstrate the feasibility of completing proposed activities during the project period.

(4) The extent to which all costs are itemized in the budget narrative and the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(f) *Quality of project evaluation.* The Secretary reviews each application to determine one or more of the following:

(1) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the proposed project.

(2) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving the proposed project's intended outcomes.

(3) The qualifications, including relevant training, experience, and independence, of the evaluator(s).

§ 656.23 What selection criteria does the Secretary use to evaluate an application for an additional special purpose grant to a Center?

The Secretary evaluates an application for an additional special purpose grant for a Center on the basis of one or more of the criteria in this section.

(a) *Project design and rationale.* The Secretary reviews each application to determine one or more of the following:

(1) The extent to which the project aligns with the Center's approved area of focus under § 656.3(a) and proposes at least one type of activity described in § 656.4(a)–(g).

(2) The extent to which the intended outcomes of the proposed project are clearly specified, possible to achieve within the project period, and address specific gaps or weaknesses in services, infrastructure, or opportunities related to the Center's area of focus, the purpose of the National Resource Centers program described in § 656.1, and the appropriate type of Center described in § 656.3(b)–(c).

(3) The extent to which the project is likely to contribute to meeting national needs related to language and area studies knowledge or expertise.

(4) The extent to which the proposed project is designed to build academic and/or institutional capacity and sustain results beyond the project period.

(b) *Project planning and budget.* The Secretary reviews each application to determine one or more of the following:

(1) The extent to which all proposed activities are adequately described relative to their contribution to the proposed project's intended outcomes.

(2) The extent to which all proposed activities are of high quality, including the degree to which they align with the purpose of the National Resource Centers program as described in § 656.1, the appropriate type of Center described in § 656.3(b)–(c), and the proposed project's intended outcomes.

(3) The extent to which the proposed timeline of activities and other application materials, such as letters of support, demonstrate the feasibility of completing proposed activities during the project period.

(4) The extent to which all costs are itemized in the budget narrative and the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(c) *Key personnel and project operations.* The Secretary reviews each application to determine one or both of the following:

(1) The extent to which project personnel are qualified to oversee and carry out the proposed project.

(2) The adequacy of staffing, governance, and oversight arrangements, and, for a consortium, the extent to which the consortium agreement demonstrates commitment to a common objective.

(d) *Quality of project evaluation.* The Secretary reviews each application to determine one or more of the following:

(1) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the proposed project.

(2) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving the proposed project's intended outcomes.

(3) The qualifications, including relevant training, experience, and independence, of the evaluator(s).

§ 656.24 What priorities may the Secretary establish?

(a) The Secretary may select one or more of the following funding priorities:

(1) Specific world areas, countries, or societies.

(2) Instruction of specific modern foreign languages.

(3) Modern foreign language instruction at a specific level or degree of intensity, such as intermediate or advanced language instruction or instruction at an intensity of 10 clock hours or more per week.

(4) Specific areas of national need for expertise in foreign languages and world areas derived from the consultation with Federal agencies on areas of national need.

(5) Specific area of focus, such as a world area or a portion of a world area (*e.g.,* a single country or society) in addition to a specific topic (*e.g.,* economic cooperation, cybersecurity, energy, climate change, translation, genocide prevention, or migration).

(b) The Secretary may select one or more of the activities listed in § 656.4 or § 656.30(a) as a funding priority.

(c) The Secretary announces any priorities in the application notice published in the **Federal Register**.

Subpart D—What Conditions Must Be Met by a Grantee?

§ 656.30 What activities and costs are allowable?

(a) *Allowable activities and costs.* Except as provided under paragraph (b) of this section, a grant awarded under this part may be used to pay all or part of the cost of establishing, strengthening, or operating a comprehensive or undergraduate Center including, but not limited to, the cost of the following:

(1) Supporting instructors of the less commonly taught languages related to the Center's area of focus.

(2) Creating, expanding, or improving opportunities for the formal study of the less commonly taught languages related to the Center's area of focus.

(3) Creating or operating summer institutes in the United States or abroad designed to provide modern foreign language and area training in the Center's area of focus.

(4) Cooperating with other Centers to conduct projects that address issues of world, regional, cross-regional, international, or global importance.

(5) Bringing visiting scholars and faculty to the Center to teach, conduct research, or participate in conferences or workshops.

(6) Disseminating information about the Center's area of focus to various audiences in the United States through domestic outreach activities involving, for example, elementary and secondary schools, postsecondary institutions, businesses, and the media.

(7) Funding library acquisitions, the maintenance of library collections, or efforts to enhance access to library collections related to the Center's area of focus.

(8) Establishing and maintaining linkages with overseas institutions of higher education, alumni, and other organizations that may contribute to the teaching and research of the Center's area of focus.

(9) Creating, obtaining, modifying, or improving access to teaching and research materials related to the Center's area of focus.

(10) Creating, expanding, or improving activities or teaching materials that are intended to increase modern foreign language proficiency related to the Center's area of focus among students in the science, technology, engineering, and mathematics fields.

(11) Conducting projects that encourage and prepare students to seek employment relevant to the Center's area of focus in areas of national need.

(12) Planning or developing curriculum related to the Center's area of focus.

(13) Engaging in professional development of the Center's faculty and staff.

(14) Funding salaries and travel for faculty and staff related to the Center's area of focus.

(b) *Limitations.* The following are limitations on allowable activities and costs:

(1) Equipment costs exceeding 10 percent of the grant are not allowable.

(2) Undergraduate student travel is only allowable if grantees have received prior approval by the Secretary for the associated costs and the travel is made in conjunction with a formal program of supervised study in the Center's area of focus.

(3) Grant funds may not be used to supplant funds normally used by grantees for purposes of this part.

(4) The following limitations on compensation paid to personnel apply to each award under this part:

(i) *Project director.* (A) Personnel costs and other related costs, including the cost of fringe benefits, associated with compensation for the project director are not allowable if such compensation only reflects the administrative tasks ordinarily associated with the role.

(B) Personnel costs and other related costs, including the cost of fringe benefits, associated with compensation for the project director are allowable with the Secretary's prior approval if such compensation is directly tied to the implementation of an approved project activity that requires the project director's expertise.

(ii) *Instructors of less commonly taught languages.* Personnel costs and other costs, including the cost of fringe benefits, related to the compensation of individuals directly engaged in the instruction of a less commonly taught language are allowable up to 100 percent of the actual costs associated with approved project activities.

(iii) *Other project personnel.* Personnel costs and other costs, including the costs of fringe benefits, related to the compensation of project personnel who are not described in paragraph (b)(4)(i) or (ii) of this section are allowable up to 50 percent of the costs for a full-time equivalent position.

(5) Costs for international travel are only allowable if a Center has obtained prior approval from the Secretary.

(6) Activities must be relevant to the Center's area of focus and the type of Center (comprehensive or undergraduate).

(7) An undergraduate Center's project and related activities must predominantly benefit the instruction and training of undergraduate students.

■ 9. Effective August 15, 2025, revise part 657 to read as follows:

PART 657—FOREIGN LANGUAGE AND AREA STUDIES FELLOWSHIPS PROGRAM

Sec.

Authority: 20 U.S.C. 1122 and 1132–3, unless otherwise noted.

Subpart A—General

§ 657.1 What is the Foreign Language and Area Studies Fellowships Program?

(a) Under the Foreign Language and Area Studies Fellowships Program, the Secretary provides allocations of fellowships to Centers and other administrative units at eligible institutions of higher education that award the fellowships on a competitive basis to undergraduate or graduate students who are undergoing advanced training in modern foreign languages and area studies.

(b) The Foreign Language and Area Studies Fellowships Program contributes to the purposes of the programs authorized by part A of title VI of the Higher Education Act of 1965, as amended, listed in § 655.5(a), especially the development of a pool of international experts to meet national needs.

§ 657.2 What entities are eligible to receive an allocation of fellowships?

The Secretary awards an allocation of fellowships (grant) to an institution of higher education or to a consortium of institutions of higher education.

§ 657.3 What are the instructional and administrative requirements for an allocation of fellowships?

(a) An allocation of fellowships must support area studies and language instruction that aligns with all of the following requirements:

(1) A geographic world area or a geographically designated region that spans multiple world areas and serves as the focus of research, teaching, training, and instruction.

(2) Languages specific to the geographic area of focus.

(3) Existing programs or proposed instructional programs that will be developed and implemented during the grant period.

(b) An allocation of fellowships must be administered according to the institution's written plan for distributing fellowships and allowances to eligible fellows for training and instruction during the academic year or summer, provided that—

(1) The fellowship types are described in the budget narrative of an application selected for funding under this part; or

(2) The Secretary has approved any proposed changes to an approved Center's or Program's plan.

§ 657.4 Who is eligible to receive a fellowship?

A student must satisfy the criteria in paragraphs (a) through (e) of this section during the fellowship period to be eligible to receive a fellowship from an approved Center or Program, and a student receiving an academic year fellowship must additionally satisfy the criteria in paragraph (f) of this section to be eligible:

(a) The student is a—

(1) Citizen or national of the United States; or

(2) Permanent resident of the United States.

(b) The student is accepted for enrollment, is enrolled, or will continue to be enrolled in the institution receiving an allocation of fellowships.

(c) The student demonstrates—

(1) Commitment to the study of a world area relevant to the allocation of fellowships; and

(2) Potential for high academic achievement based on grade point average, class ranking, or similar measures that the institution may determine.

(d) The student is engaged in modern foreign language training or instruction in a language—

(1) That is relevant to the student's educational program, as described in paragraph (c), as well as the allocation of fellowships; and

(2) For which the institution or program has developed or is developing performance goals for foreign language use, and in the case of summer programs has received approval from the Secretary.

(e) The student must engage in the type of training appropriate to their degree status:

(1) Undergraduate students must engage in the study of a less commonly taught language at the intermediate or advanced level.

(2) Non-dissertation or predissertation level graduate students must engage in the study of a modern foreign language at the—

(i) Intermediate or advanced level; or

(ii) Beginning level, provided they demonstrate advanced proficiency in another modern foreign language relevant to their field of study or obtain the permission of the Secretary.

(3) Dissertation level graduate students must—

(i) Engage in dissertation research abroad or dissertation writing in the United States;

(ii) Demonstrate advanced proficiency in a modern foreign language relevant to the dissertation project and the allocation of fellowships; and

(iii) Use modern foreign language(s) relevant to the allocation of fellowships in their dissertation research or writing.

(f) The student meets the criteria related to educational programs described in this paragraph (f)(1) or (2):

(1) The student is pursuing an educational program (including any major fields of study, general education requirements, certificates, concentrations, specializations, or minor fields of study, or other established components of an institution's curriculum) that requires or ordinarily includes—

(i) Instruction in at least one modern foreign language related to the allocation of fellowships or a demonstration of proficiency in at least one modern foreign language related to the allocation of fellowships; and

(ii) Instruction or, for graduate students, supervised research related to the allocation of fellowships in—

(A) Area studies; or

(B) The international aspects of professional fields and other fields of study, including but not limited to science, technology, engineering, and mathematics fields.

(2) The student is pursuing an educational program that includes all of the following:

(i) A requirement for substantial instruction in a professional field or in one or more science, technology, engineering, and mathematics fields.

(ii) The option to incorporate international aspects of fields of study through instruction in area studies and at least one modern foreign language.

(iii) Courses that meet fellowship duration and purpose requirements described in § 657.30(b) and are selected under the guidance of an individual or committee who possesses area studies and modern foreign language qualifications relevant to the allocation

of fellowships as well as knowledge of requirements for the student's educational program.

§ 657.5 What is the amount of a fellowship?

(a) Each fellowship consists of an institutional payment, a stipend, and any additional allowances permitted under this part.

(1) A fellowship may include additional allowances payable to a fellow in addition to the stipend, as determined by the Secretary and as allocated by an approved Center or Program.

(2) If the institutional payment determined by the Secretary is greater than the tuition and fees charged by the institution, the institutional payment portion of the fellowship is limited to actual costs.

(b) The Secretary announces the following in a notice published in the **Federal Register**:

(1) The amounts of the stipend and institutional payment for each type of fellow during an academic year.

(2) The amounts of the stipend and institutional payment for each type of fellow during a summer session.

(3) Whether travel allowances of any type will be permitted.

(4) Whether dependent allowances of any type will be permitted.

(5) The amounts of any permitted allowances.

(6) Any limitation on the applicability of the amounts or allowances addressed in this paragraph (b).

(c) Allowances are only permissible if the Secretary announces such allowances are permitted.

(d) If the Secretary limits the applicability of fellowship amounts or the permissibility of allowances by reference to time, including the performance period of one or more awards, in a notice published in the **Federal Register** and the applicability period lapses, the amounts contained in the most recent notice or notices addressing each topic will remain in force as provisional amounts until the Secretary publishes a new notice but any allowances will no longer be permitted until expressly authorized in a new notice.

§ 657.6 What regulations apply to this program?

The following regulations apply to this program:

(a) The regulations in 34 CFR part 655.

(b) The regulations in this part 657.

§ 657.7 What definitions apply to this program?

The following definitions apply to this part:

(a) The definitions in 34 CFR 655.4.

(b) The following definitions, unless otherwise specified:

Approved Center means an administrative unit of an institution of higher education that has both received an allocation of fellowships under this part and a grant to operate a Center under 34 CFR part 656.

Approved Program means a concentration of educational resources and activities in modern foreign language training and area studies with the administrative capacity to administer an allocation of fellowships under this part.

Fellow means a person who receives a fellowship under this part.

Fellowship means the payment a fellow receives under this part.

Institutional payment means the portion of the fellowship used to pay the tuition associated with a fellow's training or instruction and any associated student fees that are required of such a large proportion of all students pursuing degrees at the same degree level as the fellow at the institution receiving an allocation of fellowships or at an approved language program during the fellowship period that the student who does not pay the charge is an exception.

Stipend means the portion of the fellowship paid by the grantee to a fellow in support of living expenses and the costs associated with advanced training in a modern foreign language and area studies.

Travel allowance means the portion of the fellowship used to pay for reasonable costs associated with a fellow's travel to or from a site for language instruction or training during the fellowship term, such as transportation costs or visa fees, and other reasonable costs that directly support the safety and security of fellows during the fellowship term while outside of the United States, such as overseas medical insurance or evacuation insurance.

§ 657.8 Severability.

If any provision of this part or its application to any person, act, or practice is held invalid, the remainder of the part or the application of its provisions to any other person, act, or practice will not be affected thereby.

Subpart B—How Does an Eligible Institution or a Student Apply?

§ 657.10 How does an institution submit a grant application?

The application notice published in the **Federal Register** explains how to apply for a new grant under this part.

§ 657.11 What assurances and other information must an applicant institution include in an application?

(a) Each eligible institution of higher education, including each member of a consortium of institutions of higher education, applying for an allocation of fellowships under this part must provide all of the following:

(1) An explanation of how the activities funded by the grant will reflect diverse perspectives, as defined in part 655, and a wide range of views and generate debate on world regions and international affairs.

(2) A description of how the applicant will encourage government service in areas of national need, as identified by the Secretary, as well as in areas of need in the education, business, and nonprofit sectors.

(3) An estimated number of the students at the applicant institution who currently meet the fellowship eligibility requirements.

(b) Each applicant institution must submit the Applicant Profile Form provided in the FLAS Fellowships Program application package.

(c) Each applicant institution must submit a description of the applicant's policy regarding non-discriminatory hiring practices.

(d) Each applicant institution must submit a description of the applicant's travel policy, if one exists, and if one does not exist, a statement to that effect.

(e) Each consortium of institutions of higher education applying for an award under this part must submit a group agreement (consortium agreement) that addresses the required elements in 34 CFR 75.128 and describes a rationale for the formation of the consortium.

§ 657.12 How does a student apply for a fellowship?

(a) A student must apply for a fellowship directly to an approved Center or Program at an institution of higher education that has received an allocation of fellowships according to the application procedures established by that approved Center or Program.

(b) Individual applicants must provide sufficient information to enable the approved Center or Program at the institution to determine the applicant's eligibility to receive a fellowship and whether the student should be selected according to the selection process

established by the approved Center or Program.

Subpart C—How Does the Secretary Select an Institution for an Allocation of Fellowships?

§ 657.20 How does the Secretary select institutional applications for funding?

(a) The Secretary evaluates an institutional application for an allocation of fellowships on the basis of the quality of the applicant's Center or program in modern foreign language and area studies training. The applicant's Center or program is evaluated and approved under the criteria in § 657.21.

(b) The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the **Federal Register**.

(c) The Secretary makes grant awards using a peer review process. Applications that share the same or similar area of focus, as declared by each applicant under § 657.3(a), are grouped together for purposes of review. Each application is reviewed for excellence based on the applicable criteria referenced in paragraph (a) of this section. Applications are then ranked within each group that shares the same or similar area of focus.

(d) The Secretary may determine a minimum total score required to demonstrate a sufficient degree of excellence to qualify for a grant under this part.

(e) If insufficient money is available to fund all applications demonstrating a sufficient degree of excellence as determined under paragraphs (a), (c), and (d) of this section, the Secretary considers the degree to which priorities derived from the consultation on areas of national need or established under the provisions of § 657.22 and relating to specific countries, world areas, or languages are served when selecting applications for funding and determining the amount of a grant.

§ 657.21 What selection criteria does the Secretary use to evaluate an institutional application for an allocation of fellowships?

The Secretary evaluates an institutional application for an allocation of fellowships on the basis of the criteria in this section.

(a) *Scope, personnel, and operations.* The Secretary reviews each application to determine one or more of the following:

(1) The extent to which the proposed allocation of fellowships meets the requirements in § 657.3(a).

(2) The extent to which the project director and other staff are qualified to administer the proposed allocation of fellowships, including the degree to which they engage in ongoing professional development activities relevant to their roles.

(3) The adequacy of governance and oversight arrangements for the proposed allocation of fellowships, and, for a consortium, the extent to which the consortium agreement demonstrates commitment to a common objective.

(4) The extent to which the institution provides or will provide financial, administrative, and other support for the administration of the proposed allocation of fellowships.

(b) *Quality of curriculum and instruction.* The Secretary reviews each application to determine one or more of the following:

(1) The extent to which the applicant's curriculum provides training options for students from a variety of disciplines and professional fields, and the extent to which the curriculum and associated requirements (including language requirements) are appropriate for the applicant's area of focus and result in educational programs of high quality for students who will be served by the proposed allocation of fellowships.

(2) The extent to which the levels of instruction offered for the modern foreign languages relevant to the proposed allocation of fellowships, including intensive language instruction, and the frequency with which the courses are offered, is appropriate for advanced training in those languages.

(3) The extent to which the institution's instruction in modern foreign languages relevant to the proposed allocation of fellowships is using or developing stated performance goals for functional foreign language use, as well as the degree to which stated performance goals are met or are likely to be met by students.

(4) The extent to which instruction in modern foreign languages is integrated with area studies courses, for example, area studies courses taught in modern foreign languages.

(c) *Quality of faculty and academic resources.* The Secretary reviews each application to determine one or more of the following:

(1) The extent to which the institution employs faculty with strong language, area, and international studies credentials related to the proposed allocation of fellowships, including enough qualified tenured and tenure-track faculty with teaching and advising responsibilities to enable the applicant to carry out the instructional and training programs in the applicant's area of focus.

(2) The extent to which the applicant provides or will provide students who will be served by the proposed allocation of fellowships with substantive academic and other relevant advising services that address compliance with fellowship requirements, the potential uses of their foreign language and area studies knowledge and training, and, as appropriate, safety while studying outside the United States.

(3) The extent to which the institution's library holdings (print and non-print, physical and digital, English and foreign language), other research collections, and relevant staff support students who will be served by the proposed allocation of fellowships.

(4) The extent to which the applicant has established formal arrangements for students to conduct research or study abroad relevant to the proposed allocation of fellowships and the extent to which these arrangements are used.

(d) *Project design and rationale.* The Secretary reviews each application to determine one or more of the following:

(1) The extent to which the proposed allocation of fellowships aligns with the applicant's educational programs, instructional resources, and language and area studies course offerings; and the ease of access to relevant instruction and training opportunities, including training from external providers.

(2) The applicant's record of placing students into post-graduate employment, education, or training in areas of national need and the applicant's efforts to increase the number of such students that go into such placement.

(3) The extent to which the allocation of fellowships will contribute to meeting national needs related to language and area studies expertise and support the generation of information for and dissemination of information to the public.

(4) The extent to which the proposed project will reflect diverse perspectives, as defined in part 655, and a wide range of views and generate debate on world regions and international affairs.

(e) *Project planning and budget.* The Secretary reviews each application to determine one or more of the following:

(1) The extent to which the process for selecting fellows is thoroughly described and of high quality, including the institution-wide fellowship recruitment and advertisement process, the student application process, the FLAS Fellowships Program selection criteria and priorities, any supplemental institutional requirements consistent

with the FLAS Fellowships Program requirements, the composition of the institution's selection committee, and the timeline for selecting and notifying students.

(2) The extent to which the institution requesting an allocation of fellowships identifies barriers, if any, to equitable access to and participation in the FLAS Fellowships Program and how the institution proposes to address these barriers.

(3) The extent to which the requested amount and proposed distribution of the allocation of fellowships is reasonable relative to the potential pool of eligible students with a demonstrated interest in relevant modern foreign language and area studies training and instruction.

(f) *Quality of project evaluation.* The Secretary reviews each application to determine one or more of the following:

(1) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the proposed project.

(2) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving the proposed project's intended outcomes.

(3) The qualifications, including relevant training, experience, and independence, of the evaluator(s).

§ 657.22 What priorities may the Secretary establish?

(a) The Secretary may establish one or more of the following priorities for the allocation of fellowships:

(1) Instruction, training, or research in specific languages or all languages related to specific world areas.

(2) Programs of language instruction with stated performance goals for functional foreign language use or that are developing such performance goals.

(3) Instruction, training, or research related to specific world areas.

(4) Academic terms, such as academic year or summer.

(5) Levels of language offerings.

(6) Academic disciplines, such as linguistics or sociology.

(7) Professional studies, such as business, law, or education.

(8) Instruction, training, or research in particular subjects, such as population growth and planning or international trade and business.

(9) Specific areas of national need for expertise in foreign languages and world areas derived from the consultation with Federal agencies on areas of national need.

(10) A combination of any of these categories.

(b) The Secretary announces any priorities in the application notice published in the **Federal Register**.

Subpart D—What Conditions Must Be Met by Institutional Grantees and Fellows?

§ 657.30 What are the limitations on fellowships and the use of fellowship funds?

(a) *Distance or online education.* Fellows may satisfy course requirements through instruction offered in person or, with the Secretary's prior approval, via distance education or hybrid formats. Correspondence courses do not satisfy program course requirements.

(b) *Duration and purpose.* An approved Center or Program may award a fellowship for any of the following combinations of duration and purpose:

(1) One academic year, provided that the fellow enrolls in one language course per term and at least two area studies courses per year.

(2) One academic year for dissertation research abroad, provided that the fellow is a doctoral candidate, uses advanced training in at least one modern foreign language in the research, and has a work plan approved by the Secretary.

(3) One academic year for dissertation writing, provided that the fellow is a doctoral candidate, uses advanced training in at least one modern foreign language for the dissertation, and has a work plan approved by the Secretary.

(4) One summer session if the summer session provides the fellow with the equivalent of one academic year of instruction in a modern foreign language.

(5) Other durations approved by the Secretary to accommodate exceptional circumstances that would enable a fellow to complete an appropriate amount of coursework, dissertation writing, or dissertation research.

(c) *Internships.* The Secretary may approve the use of a fellowship to support an internship for an eligible fellow.

(d) *Program administration costs.* This program does not allow administrative costs.

(e) *Selection of fellowship recipients.* Approved Centers or Programs must select students to receive fellowships using the selection process described in the grant application submitted to the Department or using any subsequent modifications to the selection process that have been approved by the Secretary.

(f) *Study outside the United States.* Before awarding a fellowship for use outside the United States, an institution must obtain the approval of the Secretary. The Secretary may approve the use of a fellowship outside the United States if the student is—

(1) Enrolled in an educational program abroad, approved by the institution at which the student is enrolled in the United States, for study of a foreign language at an intermediate or advanced level or at the beginning level if appropriate equivalent instruction is not available in the United States; or

(2) Engaged during the academic year in research that cannot be done effectively in the United States and is affiliated with an institution of higher education or other appropriate organization in the host country.

(g) *Support from other Federal agencies.* Recipients of fellowships under this part may accept concurrent awards from other Federal agencies, such as Boren Fellowships and Critical Language Scholarships, provided that the other Federal awards are not used to pay for the same activity or cost allocated to the recipient's fellowship. Any fellow who accepts concurrent awards from other Federal agencies that may pay for the same activity or cost must disclose the receipt of such other Federal funding to the approved Center or Program that administers the allocation of fellowships at their institution.

(h) *Transfer of funds.* Institutions may not transfer funds from their allocation of fellowships to any outside entity, including other approved Centers or Programs, unless the funds are transferred directly to an instructional program provider to cover the costs for the institution's own fellows to attend training programs carried out by the instructional program provider during the academic year or a summer session. The transfer of funds to any instructional program providers located outside the United Stated must be pre-approved by the Secretary.

(i) *Undergraduate travel.* No funds may be expended under this part for undergraduate travel except in accordance with rules prescribed by the Secretary setting forth policies and procedures to ensure that Federal funds made available for such travel are expended as part of a formal program of supervised study.

(j) *Vacancies.* If a fellow vacates a fellowship before the end of an award period, the institution receiving the allocation of fellowships may award the balance of the fellowship to another student if—

(1) The student meets the eligibility requirements in § 657.4 and was selected in accordance with paragraph (e) of this section;

(2) The remaining fellowship period comprises at least one full academic

quarter, semester, trimester, or summer session; and

(3) The amount of available funds is sufficient to award a full fellowship for the duration described in paragraph (j)(2) of this section.

§ 657.31 What is the payment procedure for fellowships?

(a) An institution must award a stipend to fellowship recipients.

(b) An institution must pay the stipend and any other allowances to the fellow in installments during the term of the academic year fellowship.

(c) An institution may make a payment only to a fellow who is in good academic standing and is making satisfactory progress.

(d) The institution must make appropriate adjustments of any overpayment or underpayment to a fellow.

(e) Any payments made for less than the full duration of a fellowship must be prorated to reflect the actual duration of the fellowship.

§ 657.32 Under what circumstances must an institution terminate a fellowship?

An institution must terminate a fellowship if—

(a) The fellow is not making satisfactory progress, is no longer enrolled, or is no longer in good standing at the institution; or

(b) The fellow fails to follow the plan of study in modern foreign language and area studies, for which the fellow applied, unless a revised plan of study is otherwise approved by the Secretary under this part.

§ 657.33 What are the reporting requirements for grantee institutions and for individual fellows who receive funds under this program?

Each institution of higher education, each member in a consortium of institutions of higher education, and each individual fellowship recipient under this program must submit performance reports, in such form and at such time as required by the Secretary.

§ 657.34 What are an institution's responsibilities after the award of a grant for administering fellowship funding?

(a) An institution to which the Secretary awards a grant under this part is responsible for administering the grant in accordance with the regulations described in § 657.6.

(b) The institution is responsible for processing individual applications for fellowships in accordance with procedures described in §§ 657.12 and 657.30.

(c) The institution is responsible for disbursing funds in accordance with procedures described in § 657.31.

(d) The institution is responsible for terminating a fellowship in accordance with the procedures described in § 657.32.

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