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Contents

Federal Register

Vol. 89, No. 173

Friday, September 6, 2024

Agriculture Department

See Rural Business-Cooperative Service

See Rural Housing Service

See Rural Utilities Service

Centers for Disease Control and Prevention

NOTICES

Hearings, Meetings, Proceedings, etc.:

Community Preventive Services Task Force, 72844

Civil Rights Commission

NOTICES

Hearings, Meetings, Proceedings, etc.:

Alabama Advisory Committee, 72824

Northern Mariana Islands Advisory Committee, 72825

Ohio Advisory Committee, 72824–72825

Puerto Rico Advisory Committee, 72825–72826

Coast Guard

RULES

Special Local Regulation:

Poquoson Seafood Festival Workboat Races; Back River, Poquoson, VA, 72721

Commerce Department

See Industry and Security Bureau

See International Trade Administration

See National Oceanic and Atmospheric Administration

See National Telecommunications and Information Administration

Committee for Purchase From People Who Are Blind or Severely Disabled

NOTICES

Procurement List; Additions and Deletions, 72829–72830

Drug Enforcement Administration

NOTICES

Importer, Manufacturer or Bulk Manufacturer of Controlled

Substances; Application, Registration, etc.:

Biopharmaceutical Research Co., 72895

Bright Green Corp., 72894–72895

Cambridge Isotope Laboratories, Inc., 72895–72896

Energy Department

See Energy Information Administration

See Federal Energy Regulatory Commission

NOTICES

Privacy Act; Systems of Records, 72830–72833

Energy Information Administration

NOTICES

Agency Information Collection Activities; Proposals,

Submissions, and Approvals, 72833–72834

Environmental Protection Agency

RULES

Air Quality State Implementation Plans; Approvals and Promulgations:

New Jersey; Interstate Transport Requirements for the 2010 1-Hour Sulfur Dioxide Standard, 72721–72724

PROPOSED RULES

Air Quality State Implementation Plans; Approvals and Promulgations:

Maryland; Determination of Attainment by the

Attainment Date for the 2010 1-Hour Primary Sulfur Dioxide National Ambient Air Quality Standard, 72770–72775

Pesticide Tolerance; Exemptions, Petitions, Revocations, etc.:

Registration Review Decisions for Certain Pesticides

(Capric (Decanoic) Acid, Caprylic (Octanoic) Acid, and Pelargonic (Nonanoic) Acid), 72775–72780

NOTICES

Environmental Impact Statements; Availability, etc., 72841

Farm Credit Administration

PROPOSED RULES

Loans to Similar Entities, 72759–72763

Federal Aviation Administration

PROPOSED RULES

Airspace Designations and Reporting Points:

Martinsburg, WV, 72765–72766

Federal Communications Commission

RULES

Television Broadcasting Services:

Augusta, GA, 72738–72739

Boise, ID, 72738

The Emergency Alert System and Wireless Emergency Alerts, 72724–72737

PROPOSED RULES

Promoting Investment in the 3550–3700 MHz Band, 72780–72793

Federal Energy Regulatory Commission

NOTICES

Application:

National Fuel Gas Supply Corp., 72834–72835

Otter Tail Power Co., 72837

Combined Filings, 72838–72841

Environmental Assessments; Availability, etc.:

Montana Department of Natural Resources and Conservation, 72837

Extension of Time:

Golden Pass LNG Terminal, LLC, 72836–72837

Filing:

Myers, Franklin B., 72836

Federal Financial Institutions Examination Council

NOTICES

Hearings, Meetings, Proceedings, etc.:

Appraisal Subcommittee, 72841

Federal Mediation and Conciliation Service

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 72841–72842

Federal Reserve System**NOTICES**

Change in Bank Control:

Acquisitions of Shares of a Bank or Bank Holding Company, 72842

Fish and Wildlife Service**RULES**

Endangered and Threatened Species:

Removal of the Apache Trout From the List of Endangered and Threatened Wildlife, 72739–72757

NOTICES

Permits; Applications, Issuances, etc.:

Endangered and Threatened Species, 72883–72887

Incidental Take, Proposed Habitat Conservation Plan for the Eastern Indigo Snake; Turner County, GA; Categorical Exclusion, 72880–72881

Proposed Habitat Conservation Plan for the Audubon's Crested Caracara; Hardee County, FL; Categorical Exclusion, 72882–72883

Record of Decision:

Barred Owl Management Strategy; Washington, Oregon, and California, 72881–72882

Food and Drug Administration**RULES**

Medical Devices:

Gastroenterology-Urology Devices; Classification of the Hemodialyzer With Expanded Solute Removal Profile, 72715–72717

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 72854

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Pharmaceutical Distribution Supply Chain; Drug Supply Chain Security, 72848–72851

Guidance:

Incorporating Voluntary Patient Preference Information Over the Total Product Life Cycle, 72856–72858

Hearings, Meetings, Proceedings, etc.:

Cardiovascular and Renal Drugs Advisory Committee, 72846–72847

Patent Extension Regulatory Review Period:

Segluromet, 72855–72856

Steglatro, 72851–72852

Steglujan, 72844–72846

Ycanth, 72853–72854

Foreign Assets Control Office**RULES**

Belarus Sanctions Regulations and Russian Harmful Foreign Activities Sanctions Regulations Web General License 101, 72717–72718

Russia Harmful Activities Sanctions Regulations Web General Licenses 99A, 100A, and 102, 72719–72721

Russian Harmful Foreign Activities Sanctions Regulations Web General Licenses 103, 104, 105, 106, and 107, 72718–72719

NOTICES

Sanctions Action, 72921–72923

General Services Administration**NOTICES**

Environmental Impact Statements; Availability, etc.:

Alcan Land Port of Entry Expansion and Modernization in Alcan, AK, 72843–72844

Health and Human Services Department

See Centers for Disease Control and Prevention

See Food and Drug Administration

See National Institutes of Health

See Substance Abuse and Mental Health Services Administration

Homeland Security Department

See Coast Guard

Housing and Urban Development Department**PROPOSED RULES**

Adoption of 2020 Core Based Statistical Area Standards, 72766–72769

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

2023 American Housing Survey, 72880

Implementation of the Housing for Older Persons Act, 72862–72864

Regulatory Waiver Requests:

Granted for the Fourth Quarter of Calendar Year 2023, 72864–72880

Industry and Security Bureau**RULES**

Commerce Control List:

Implementation of Controls on Advanced Technologies Consistent With Controls Implemented by International Partners, 72926–72956

Interior Department

See Fish and Wildlife Service

See Land Management Bureau

See National Park Service

International Trade Administration**NOTICES**

Antidumping or Countervailing Duty Investigations, Orders, or Reviews:

Certain Brake Drums From the People's Republic of China and the Republic of Turkiye, 72827–72828

Common Alloy Aluminum Sheet From the People's Republic of China, 72826–72827

International Trade Commission**NOTICES**

Investigations; Determinations, Modifications, and Rulings, etc.:

Certain Video Processing Devices and Components Thereof, 72893–72894

Justice Department

See Drug Enforcement Administration

NOTICES

Proposed Consent Decree:

CERCLA, 72896

Labor Department

See Occupational Safety and Health Administration

See Workers Compensation Programs Office

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

United States-Mexico-Canada Agreement Web-based Hotline, 72897

List of Goods Produced by Child Labor or Forced Labor and Updates to the List of Products Requiring Federal Contractor Certification as to Forced or Indentured Child Labor, 72897–72898

Land Management Bureau

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Alaska Reindeer Grazing Requirements, 72888–72889
Alaska Native Claims Selection, 72889–72890
Environmental Impact Statements; Availability, etc.:
Bonanza Solar Project, Nevada; Draft Resource Management Plan Amendment, 72887–72888

National Institutes of Health

NOTICES

Hearings, Meetings, Proceedings, etc.:
Center for Scientific Review, 72858–72859
National Institute of Allergy and Infectious Diseases, 72859–72860
National Institute of Arthritis and Musculoskeletal and Skin Diseases, 72859
National Institute of Mental Health, 72860
National Institute on Aging, 72858–72860

National Oceanic and Atmospheric Administration

RULES

Fisheries of the Northeastern United States:
Summer Flounder Fishery; 2024 Commercial Quota Harvested for the Commonwealth of Massachusetts, 72758

PROPOSED RULES

Atlantic Highly Migratory Species:
Electronic Reporting Requirements, 72796–72819
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 3, 72794–72795

National Park Service

NOTICES

Privacy Act; Systems of Records, 72890–72893

National Science Foundation

NOTICES

Hearings, Meetings, Proceedings, etc.:
Advisory Committee for Integrative Activities, 72901

National Telecommunications and Information Administration

NOTICES

Hearings, Meetings, Proceedings, etc.:
Public Wireless Supply Chain Innovation Fund Listening Session, 72828–72829

Nuclear Regulatory Commission

NOTICES

Environmental Impact Statements; Availability, etc.:
Perry Nuclear Power Plant, Unit 1, Energy Harbor Corp., Energy Harbor Generation LLC, Energy Harbor Nuclear Corp., 72901–72902

Occupational Safety and Health Administration

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Respiratory Protection Standard, 72899–72900

Personnel Management Office

NOTICES

Privacy Act; Systems of Records, 72902–72905

Postal Regulatory Commission

NOTICES

New Postal Products, 72905–72906

Postal Service

NOTICES

International Product Change:
Priority Mail Express International, Priority Mail International and First-Class Package International Service Agreement, 72913
Product Change:
Priority Mail and USPS Ground Advantage Negotiated Service Agreement, 72906–72916
Priority Mail Express, Priority Mail, and USPS Ground Advantage Negotiated Service Agreement, 72906–72916

Rural Business-Cooperative Service

NOTICES

Privacy Act; Systems of Records, 72820–72824

Rural Housing Service

NOTICES

Privacy Act; Systems of Records, 72820–72824

Rural Utilities Service

NOTICES

Privacy Act; Systems of Records, 72820–72824

Securities and Exchange Commission

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 72916–72917
Application:
24X National Exchange LLC, 72917–72918
Jefferies Finance LLC et al., 72918–72919

Small Business Administration

PROPOSED RULES

Hearings, Meetings, Proceedings, etc.:
Tribal Consultation for HUBZone Program Updates and Clarifications and Potential Reforms, 72763–72765

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 72919

State Department

NOTICES

Hearings, Meetings, Proceedings, etc.:
Advisory Committee on Private International Law, Convention on Choice of Courts Agreement, the Judgments Convention and the Singapore Convention, 72919–72920

Substance Abuse and Mental Health Services Administration

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals; Correction, 72860–72862

Surface Transportation Board

NOTICES

Exemption:
Acquisition and Operation; Colorado Pacific San Luis Railroad LLC, San Luis Central Railroad Co., 72920

Operation; Riverside Rail, Inc., Tracks of Riverside
Industrial Complex, Inc. in Bucks County, PA,
72920–72921

Transportation Department

See Federal Aviation Administration

Treasury Department

See Foreign Assets Control Office

Workers Compensation Programs Office**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals:
Authorization for Release of Medical Information for
Black Lung Benefits, 72900–72901

Separate Parts In This Issue**Part II**

Commerce Department, Industry and Security Bureau,
72926–72956

Reader Aids

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

To subscribe to the Federal Register Table of Contents
electronic mailing list, go to [https://public.govdelivery.com/
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CFR PARTS AFFECTED IN THIS ISSUE

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

12 CFR**Proposed Rules:**

613.....72759

13 CFR**Proposed Rules:**

126.....72763

14 CFR**Proposed Rules:**

71.....72765

15 CFR

736.....72926

738.....72926

740.....72926

742.....72926

743.....72926

772.....72926

774.....72926

21 CFR

876.....72715

24 CFR**Proposed Rules:**

5.....72766

31 CFR

548.....72717

587 (3 documents)72717,
72718, 72719**33 CFR**

100.....72721

40 CFR

52.....72721

Proposed Rules:

52.....72770

180.....72775

47 CFR

11.....72724

73 (2 documents)72738

Proposed Rules:

90.....72780

96.....72780

50 CFR

17.....72739

648.....72758

Proposed Rules:

622.....72794

635.....72796

Rules and Regulations

Federal Register

Vol. 89, No. 173

Friday, September 6, 2024

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 876

[Docket No. FDA-2024-N-3972]

Medical Devices; Gastroenterology-Urology Devices; Classification of the Hemodialyzer With Expanded Solute Removal Profile

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA or we) is classifying the hemodialyzer with expanded solute removal profile into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for the hemodialyzer with expanded solute removal profile's classification. We are taking this action because we have determined that classifying the device into class II (special controls) will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices.

DATES: This order is effective September 6, 2024. The classification was applicable on August 28, 2020.

FOR FURTHER INFORMATION CONTACT: Jade Noble, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2684, Silver Spring, MD 20993-0002, 240-402-5077, Jade.Noble@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA has classified the hemodialyzer with expanded solute removal profile as class II (special controls), which we have determined

will provide a reasonable assurance of safety and effectiveness.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified as, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (see 21 U.S.C. 360c(f)(1)). We refer to these devices as "postamendments devices" because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (see 21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through "De Novo" classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act (see also part 860, subpart D (21 CFR part 860, subpart D)). Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105-115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112-144) modified the De Novo application process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a 510(k) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person

determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining "substantial equivalence"). Instead, sponsors can use the 510(k) process, when necessary, to market their device.

II. De Novo Classification

On September 16, 2019, FDA received Baxter Healthcare Corporation's request for De Novo classification of the Theranova Dialyzers (Theranova 400, Theranova 500). FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see 21 U.S.C. 360c(a)(1)(B)). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on August 28, 2020, FDA issued an order to the requester

classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 876.5862.¹ We have named the generic type of device hemodialyzer with expanded solute removal profile, and it is identified as a device intended for use as part of an artificial kidney system for the treatment of patient with renal failure by performing such therapies as hemodialysis, hemofiltration, and hemodiafiltration. A

hemodialyzer with expanded solute removal profile includes modifications to the semipermeable membrane that allows for increased removal or uremic retention solutes compared with standard high-flux hemodialyzers of the high permeability hemodialysis system classification (§ 876.5860 (21 CFR 876.5860)) including solutes at the upper end of the “middle” molecular weight range (0.5 kDa to 60 kDa). This device is intended to be used with the

extracorporeal hemodialysis delivery systems, blood tubing sets, blood access devices, and accessories regulated under 21 CFR 876.5820, 876.5860, 876.5540, and/or 876.5600.

FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—HEMODIALYZER WITH EXPANDED SOLUTE REMOVAL PROFILE RISKS AND MITIGATION MEASURES

Identified risks to health	Mitigation measures
Adverse tissue reaction	Biocompatibility evaluation, Pyrogenicity testing, and Non-clinical performance testing.
Infection or pyrogen reaction	Labeling, Pyrogenicity testing, Sterilization validation, Non-clinical performance testing, and Shelf-life testing.
Inadequate or incomplete treatment	Non-clinical performance testing, Labeling, and Shelf-life testing.
Clearance of essential blood substances or medications	Non-clinical performance testing, Clinical performance testing, Labeling, and Shelf-life testing.
Blood loss or blood cell destruction	Non-clinical performance testing, Labeling, and Shelf-life testing.
Blood leak into the dialysis fluid	Non-clinical performance testing, Labeling, and Shelf-life testing.
Air or particle embolism	Non-clinical performance testing, Labeling, and Shelf-life testing.
Fluid imbalance	Non-clinical performance testing and Labeling.
Acid-base imbalance	Non-clinical performance testing and Labeling.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this order. This device is subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The

collections of information in part 860, subpart D, regarding De Novo classification have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval, have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions, have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820, regarding quality system regulation, have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 801, regarding labeling, have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 876

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 876 is amended as follows:

PART 876—GASTROENTEROLOGY-UROLOGY DEVICES

■ 1. The authority citation for part 876 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 876.5862 to read as follows:

§ 876.5862 Hemodialyzer with expanded solute removal profile.

(a) *Identification.* A hemodialyzer with expanded solute removal profile is a device intended for use a part of an artificial kidney system for the treatment of patients with renal failure by performing such therapies as hemodialysis, hemofiltration, and hemodiafiltration. A hemodialyzer with expanded solute removal profile includes modifications to the semipermeable membrane that allows for increased removal of uremic retention solutes compared with standard high-flux hemodialyzers of the high permeability hemodialysis system classification (§ 876.5860), including solutes at the upper end of the “middle” molecular weight range (0.5 kDa to 60 kDa). This device is intended to be used with the extracorporeal hemodialysis delivery systems, blood tubing sets, blood access devices, and accessories regulated under §§ 876.5820, 876.5860, 876.5540, and/or 876.5600.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Clinical performance testing under anticipated conditions of use must

¹ FDA notes that the ACTION caption for this final order is styled as “Final amendment; final order,” rather than “Final order.” Beginning in December 2019, this editorial change was made to indicate

that the document “amends” the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register’s (OFR) interpretations of the Federal Register Act (44

U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

evaluate the solute removal profile and document all adverse events.

(2) Non-clinical performance testing data must demonstrate that the device performs as intended under anticipated conditions of use. The following performance characteristics must be tested:

- (i) Ultrafiltration;
- (ii) Blood and dialysate pressure drop;
- (iii) Clearance rates;
- (iv) Sieving coefficients;
- (v) Mechanical hemolysis;
- (vi) Structural integrity;
- (vii) Blood compartment integrity;
- (viii) Volume of the blood compartment; and
- (ix) Endotoxin retention of the dialyzer membrane.

(3) The tissue-contacting components of the device must be demonstrated to be biocompatible. Biocompatibility evaluation must include a chemical analysis of the dialyzer membrane.

(4) Performance data must demonstrate the sterility of the patient-contacting components of the device.

(5) The patient-contacting components of the device must be demonstrated to be non-pyrogenic.

(6) Performance data must support the shelf life of the device by demonstrating continued sterility, package integrity, and device functionality over the identified shelf life.

(7) Device labeling must include:

- (i) Shelf life;
- (ii) Storage conditions;
- (iii) Instructions for the preparation of the hemodialyzer, initiation of dialysis, troubleshooting, and discontinuance of dialysis;
- (iv) Membrane surface area, priming (blood) volume, maximum transmembrane pressure, maximum blood flow and maximum dialysate rate for each model;
- (v) A non-pyrogenic statement;
- (vi) A summary of the in vitro performance data, provided in tabular form; and
- (vii) A summary of the clinical performance data.

Dated: August 30, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024-20081 Filed 9-5-24; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Parts 548 and 587

Publication of Belarus Sanctions Regulations and Russian Harmful Foreign Activities Sanctions Regulations Web General License 101

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of a web general license.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing one general license (GL) issued pursuant to the Belarus Sanctions Regulations and Russian Harmful Foreign Activities Sanctions Regulations: GL 101 which was previously made available on OFAC's website.

DATES: GL 101 was issued on August 9, 2024. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Licensing, 202-622-2480; Assistant Director for Regulatory Affairs, 202-622-4855; or Assistant Director for Compliance, 202-622-2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

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

Background

On August 9, 2024, OFAC issued GL 101 to authorize certain transactions otherwise prohibited by the Belarus Sanctions Regulations, 31 CFR part 548, and the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587. The GL was made available on OFAC's website (<https://ofac.treasury.gov>) when it was issued and has an expiration date of September 10, 2024. The text of this GLs is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Belarus Sanctions Regulations

31 CFR Part 548

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 101

Authorizing Civil Aviation Safety and Wind Down Transactions Involving Certain Entities Blocked on August 9, 2024

(a) Except as provided in paragraph (c) of this general license, all transactions prohibited by the Belarus Sanctions Regulations, 31 CFR part 548 (BSR), and Executive Order (E.O.) 14024, that are ordinarily incident and necessary to the provision, exportation, or reexportation of goods, technology, or services to ensure the safety of civil aviation involving one or more of the following blocked entities (collectively, the "Blocked Entities") are authorized through 12:01 a.m. eastern daylight time, September 10, 2024, provided that the goods, technology, or services that are provided, exported, or reexported are for use on aircraft operated solely for civil aviation purposes:

- (1) Aviakompaniya Belkanto LLC;
- (2) Aviakompaniya Rada LLC;
- (3) UE RubiStar; or

(4) Any entity in which one or more of the above persons owns, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest.

(b) Except as provided in paragraph (c) of this general license, all transactions prohibited by the BSR or E.O. 14024 that are ordinarily incident and necessary to the wind down of any transaction involving any of the Blocked Entities are authorized through 12:01 a.m. eastern daylight time, September 10, 2024, provided that any payment to a Blocked Entity is made into a blocked account in accordance with the BSR and the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR).

(c) This general license does not authorize:

(1) Any transactions otherwise prohibited by the BSR or the RuHSR, including transactions involving any person blocked pursuant to the BSR or the RuHSR other than the Blocked Entities, unless separately authorized;

(2) Any transactions prohibited by Directive 2 under E.O. 14024, *Prohibitions Related to Correspondent or Payable-Through Accounts and Processing of Transactions Involving Certain Foreign Financial Institutions*; or

(3) Any transactions prohibited by Directive 4 under E.O. 14024, *Prohibitions Related to Transactions Involving the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation, and the Ministry of Finance of the Russian Federation*.

Note to General License 101. Nothing in this general license relieves any person from compliance with any other Federal laws or requirements of other Federal agencies, including export, reexport, and transfer (in-country) licensing requirements maintained by the Department of Commerce's Bureau of

Industry and Security under the Export Administration Regulations, 15 CFR parts 730–774.

Lawrence M. Scheinert
Acting Deputy Director, Office of Foreign Assets Control.

Dated: August 9, 2024

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2024–19919 Filed 9–5–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 587

Publication of Russian Harmful Foreign Activities Sanctions Regulations Web General Licenses 103, 104, 105, 106, and 107

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of web general licenses.

SUMMARY: The Department of the Treasury’s Office of Foreign Assets Control (OFAC) is publishing five general licenses (GLs) issued pursuant to the Russian Harmful Foreign Activities Sanctions Regulations: GLs 103, 104, 105, 106, and 107, each of which was previously made available on OFAC’s website.

DATES: GLs 103, 104, 105, 106, and 107 were issued on August 23, 2024. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

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

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC’s website: <https://ofac.treasury.gov>.

Background

On August 23, 2024, OFAC issued GLs 103, 104, 105, 106, and 107 to authorize certain transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR). Each GL was made available on OFAC’s website (<https://ofac.treasury.gov>) when it was issued. GL 104 has an expiration date of September 1, 2025; GL 105 and GL 107 each has an expiration date of

October 23, 2024; and GL 106 has an expiration date of October 9, 2024. The text of these GLs is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 103

Authorizing Transactions Related to Imports of Certain Diamond Jewelry Prohibited by Executive Order 14068

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by the determination of February 8, 2024 made pursuant to sections 1(a)(i)(A) and 1(a)(i)(D) of Executive Order 14068 (“Prohibitions Related to Imports of Diamond Jewelry and Unsorted Diamonds of Russian Federation Origin and Diamond Jewelry and Unsorted Diamonds Exported from the Russian Federation”) that are ordinarily incident and necessary to the importation and entry into the United States, including importation for admission into a foreign trade zone located in the United States, of diamond jewelry that was physically located outside of the Russian Federation prior to March 1, 2024, and not exported or reexported from the Russian Federation on or after March 1, 2024, are authorized.

(b) This general license does not authorize any transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR), including transactions involving any person blocked pursuant to the RuHSR, unless separately authorized.

Note to General License No. 103. Nothing in this general license relieves any person from compliance with any other Federal laws or requirements of other Federal agencies.

Lisa M. Palluconi,
Acting Director, Office of Foreign Assets Control.

Dated: August 23, 2024.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 104

Authorizing Transactions Related to Imports of Certain Diamonds Prohibited by Executive Order 14068

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by the determination of February 8, 2024 made pursuant to section 1(a)(i)(B) of Executive Order (E.O.) 14068 (“Prohibitions Related to Imports of Certain Categories of Diamonds”) that are ordinarily incident and necessary to the importation and entry into the United States, including importation for admission into a foreign trade zone located in the United States, of the following categories of diamonds are authorized through 12:01 a.m. eastern daylight time, September 1, 2025, provided that the diamonds were physically located outside of the Russian Federation before, and were not

exported or re-exported from the Russian Federation since:

(1) March 1, 2024 for non-industrial diamonds with a weight of 1.0 carat or greater; or

(2) September 1, 2024 for non-industrial diamonds with a weight of 0.5 carats or greater.

Note 1 to paragraph (a). The importation and entry into the United States, including importation for admission into a foreign trade zone located in the United States, of non-industrial diamonds of Russian Federation origin remains prohibited pursuant to section 1(a)(i)(A) of E.O. 14068.

(b) This general license does not authorize any transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR), including transactions involving any person blocked pursuant to the RuHSR, unless separately authorized.

Note 2 to General License No. 104.

Nothing in this general license relieves any person from compliance with any other Federal laws or requirements of other Federal agencies.

Lisa M. Palluconi,
Acting Director, Office of Foreign Assets Control.

Dated: August 23, 2024.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 105

Authorizing Limited Safety and Environmental Transactions and the Unloading of Cargo Involving Certain Blocked Persons or Vessels

(a) Except as provided in paragraph (c) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 that are ordinarily incident and necessary to one of the following activities involving White Fox Ship Management FZCO or any entity in which White Fox Ship Management FZCO owns, directly or indirectly, a 50 percent or greater interest, are authorized through 12:01 a.m. eastern daylight time, October 23, 2024, provided that any payment to a blocked person must be made into a blocked account in accordance with the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR):

(1) The safe docking and anchoring in port of any vessels in which any person listed in paragraph (a) of this general license has a property interest (the “blocked vessels”);

(2) The preservation of the health or safety of the crew of any of the blocked vessels; or

(3) Emergency repairs of any of the blocked vessels or environmental mitigation or protection activities relating to any of the blocked vessels.

(b) Except as provided in paragraph (c) of this general license, all transactions prohibited by E.O. 14024 that are ordinarily incident and necessary to the delivery and offloading of cargo involving the blocked persons identified in paragraph (a) are authorized through 12:01 a.m. eastern

daylight time, October 23, 2024, provided that the cargo was loaded prior to August 23, 2024.

(c) This general license does not authorize:

(1) The entry into any new commercial contracts involving the property or interests in property of any blocked persons, including the blocked entities described in paragraph (a) of this general license, except as authorized by paragraph (a);

(2) Any transactions prohibited by Directive 2 under E.O. 14024, *Prohibitions Related to Correspondent or Payable-Through Accounts and Processing of Transactions Involving Certain Foreign Financial Institutions*;

(3) Any transactions prohibited by Directive 4 under E.O. 14024, *Prohibitions Related to Transactions Involving the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation, and the Ministry of Finance of the Russian Federation*; or

(4) Any transactions otherwise prohibited by the RuHSR, including transactions involving the property or interests in property of any person blocked pursuant to the RuHSR, other than transactions involving the blocked persons described in paragraph (a) of this general license, unless separately authorized.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

Dated: August 23, 2024.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 106

Authorizing the Wind Down of Transactions Involving Certain Entities Blocked on August 23, 2024

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 that are ordinarily incident and necessary to the wind down of any transaction involving one or more of the following blocked entities are authorized through 12:01 a.m. eastern daylight time, October 9, 2024, provided that any payment to a blocked person is made into a blocked account in accordance with the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR):

(1) General Technology Group Dalian Machine Tool Import & Export Co Ltd;

(2) Public Joint Stock Company Yakutskaya Toplivno Energeticheskaya Kompaniya (YATEC);

(3) Joint Stock Company Holdingovaya Kompaniya SDS Ugol;

(4) Public Joint Stock Company Ugolnaya Kompaniya Yuzhnyi Kuzbass;

(5) Joint Stock Company Stroiservis;

(6) Guangzhou Chiphome Information Technology Limited;

(7) Chengdu Jingxin Technology Co Ltd;

(8) Shenzhen Huashuo Semiconductor Co Ltd;

(9) AirBridgeCargo Airlines Limited Liability Company;

(10) Speech Technology Center Limited;

(11) Idronaut S.R.L.;

(12) GRK Bystrinskoye;

(13) Aktsionernoe Obshchestvo Evraz Nizhnetagilski Metallurgicheski Kombinat (NTMK);

(14) Aktsionernoe Obshchestvo Evraz Vanadi Tula;

(15) Aktsionernoe Obshchestvo Evraz Market;

(16) Limited Liability Company Volga Dnepr Airlines;

(17) Atran Limited Liability Company; or

(18) Any entity in which one or more of the above persons own, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest.

(b) This general license does not authorize:

(1) Any transactions prohibited by Directive 2 under E.O. 14024, *Prohibitions Related to Correspondent or Payable-Through Accounts and Processing of Transactions Involving Certain Foreign Financial Institutions*;

(2) Any transactions prohibited by Directive 4 under E.O. 14024, *Prohibitions Related to Transactions Involving the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation, and the Ministry of Finance of the Russian Federation*; or

(3) Any transactions otherwise prohibited by the RuHSR, including transactions involving any person blocked pursuant to the RuHSR other than the blocked persons described in paragraph (a) of this general license, unless separately authorized.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

Dated: August 23, 2024.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 107

Authorizing Limited Safety and Environmental Transactions Involving Certain Blocked Persons or Vessels

(a) Except as provided in paragraph (c) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 that are ordinarily incident and necessary to one of the following activities involving the blocked persons described in paragraph (b) are authorized through 12:01 a.m. eastern daylight time, October 23, 2024, provided that any payment to a blocked person must be made into a blocked account in accordance with the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR):

(1) The safe docking and anchoring in port of any vessels in which any person listed in paragraph (b) of this general license has a property interest (the “blocked vessels”);

(2) The preservation of the health or safety of the crew of any of the blocked vessels; or

(3) Emergency repairs of any of the blocked vessels or environmental mitigation or protection activities relating to any of the blocked vessels.

(b) The authorization in paragraph (a) of this general license applies to the following

blocked persons listed on the Office of Foreign Assets Control’s Specially Designated Nationals and Blocked Persons List and any entity in which any of the following persons own, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest:

(1) Ocean Speedstar Solutions OPC Private Limited; or

(2) Zara Shipholding Co.

(c) This general license does not authorize:

(1) The entry into any new commercial contracts involving the property or interests in property of any blocked persons, including the blocked entities described in paragraph (b) of this general license, except as authorized by paragraph (a);

(2) The offloading of any cargo onboard any of the blocked vessels, including the offloading of liquefied natural gas of Russian Federation origin, except for the offloading of cargo that is ordinarily incident and necessary to address vessel emergencies authorized pursuant to paragraph (a) of this general license;

(3) Any transactions related to the sale of liquefied natural gas of Russian Federation origin;

(4) Any transactions prohibited by Directive 2 under E.O. 14024, *Prohibitions Related to Correspondent or Payable-Through Accounts and Processing of Transactions Involving Certain Foreign Financial Institutions*;

(5) Any transactions prohibited by Directive 4 under E.O. 14024, *Prohibitions Related to Transactions Involving the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation, and the Ministry of Finance of the Russian Federation*; or

(6) Any transactions otherwise prohibited by the RuHSR, including transactions involving the property or interests in property of any person blocked pursuant to the RuHSR, other than transactions involving the blocked persons described in paragraph (b) of this general license, unless separately authorized.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

Dated: August 23, 2024.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2024–19927 Filed 9–5–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 587

Publication of Russia Harmful Activities Sanctions Regulations Web General Licenses 99A, 100A, and 102

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of web general licenses.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing three general licenses (GLs) issued pursuant to the Russian Harmful Foreign Activities Sanctions Regulations: GLs 99A, 100A, and 102, each of which was previously made available on OFAC's website.

DATES: GLs 99A and 100A were issued on August 2, 2024. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Licensing, 202-622-2480; Assistant Director for Regulatory Affairs, 202-622-4855; or Assistant Director for Compliance, 202-622-2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

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

Background

On August 2, 2024, OFAC issued GLs 99A and 100A to authorize certain transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR). These GLs supersede GLs 99 and 100, respectively, and have expiration dates of October 12, 2024. On August 12, 2024, OFAC issued GL 102, authorizing transactions otherwise prohibited by the RuHSR and expiring November 12, 2024. Each GL was made available on OFAC's website (<https://ofac.treasury.gov>) when it was issued. The text of these GLs is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 99A

Authorizing the Wind Down of Transactions and Certain Transactions Related to Debt or Equity of, or Derivative Contracts Involving, MOEX, NCC, or NSD

(a) Except as provided in paragraph (f) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 that are ordinarily incident and necessary to the wind down of any transaction involving one or more of the following blocked entities are authorized through 12:01 a.m. eastern daylight time, October 12, 2024, provided that any payment to a blocked person is made into a blocked account in accordance with the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR):

- (1) Moscow Exchange (MOEX);
- (2) National Clearing Center (NCC);
- (3) Non-Bank Credit Institution Joint Stock Company National Settlement Depository (NSD); and
- (4) Any entity in which one or more of the above persons own, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest.

(b) Except as provided in paragraphs (e) and (f) of this general license, all transactions prohibited by E.O. 14024 that are ordinarily incident and necessary to the divestment or transfer, or the facilitation of the divestment or transfer, of debt or equity issued or guaranteed by any of the blocked entities identified in paragraph (a) ("Covered Debt or Equity") to a non-U.S. person are authorized through 12:01 a.m. eastern daylight time, October 12, 2024.

(c) Except as provided in paragraph (f) of this general license, all transactions prohibited by E.O. 14024 that are ordinarily incident and necessary to facilitating, clearing, and settling trades of Covered Debt or Equity that were placed prior to 4:00 p.m. eastern daylight time, June 12, 2024 are authorized through 12:01 a.m. eastern daylight time, October 12, 2024.

(d) Except as provided in paragraph (f) of this general license, all transactions prohibited by E.O. 14024 that are ordinarily incident and necessary to the wind down of derivative contracts entered into prior to 4:00 p.m. eastern daylight time June 12, 2024 that (i) include a blocked person described in paragraph (a) of this general license as a counterparty or (ii) are linked to Covered Debt or Equity are authorized through 12:01 a.m. eastern daylight time, October 12, 2024, provided that any payments to a blocked person are made into a blocked account in accordance with the RuHSR.

(e) Paragraph (b) of this general license does not authorize:

- (1) U.S. persons to sell, or to facilitate the sale of, Covered Debt or Equity to, directly or indirectly, any person whose property and interests in property are blocked; or
- (2) U.S. persons to purchase or invest in, or to facilitate the purchase of or investment in, directly or indirectly, Covered Debt or Equity, other than purchases of or investments in Covered Debt or Equity ordinarily incident and necessary to the divestment or transfer of Covered Debt or Equity as described in paragraph (b) of this general license.

(f) This general license does not authorize:

- (1) Any transactions prohibited by Directive 2 under E.O. 14024, *Prohibitions Related to Correspondent or Payable-Through Accounts and Processing of Transactions Involving Certain Foreign Financial Institutions*;
- (2) Any transactions prohibited by Directive 4 under E.O. 14024, *Prohibitions Related to Transactions Involving the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation, and the Ministry of Finance of the Russian Federation*; or
- (3) Any transactions otherwise prohibited by the RuHSR, including transactions involving any person blocked pursuant to the RuHSR other than the blocked persons

described in paragraph (a) of this general license, unless separately authorized.

(g) Effective August 2, 2024, General License No. 99, dated June 12, 2024, is replaced and superseded in its entirety by this General License No. 99A.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: August 2, 2024.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 100A

Authorizing Certain Transactions Related to Debt or Equity or the Conversion of Currencies Involving MOEX, NCC, or NSD

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 that are ordinarily incident and necessary to the divestment of debt or equity to a non-U.S. person, who is not a person whose property or interests in property are blocked, or the conversion of currencies, involving one or more of the following blocked entities that is acting solely as a securities, trade, or settlement depository, central counterparty or clearing house, or public trading market, are authorized through 12:01 a.m. eastern daylight time, October 12, 2024:

- (1) Moscow Exchange (MOEX);
- (2) National Clearing Center (NCC);
- (3) Non-Bank Credit Institution Joint Stock Company National Settlement Depository (NSD); and

(4) Any entity in which one or more of the above persons own, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest.

(b) This general license does not authorize:

- (1) Any transactions prohibited by Directive 2 under E.O. 14024, *Prohibitions Related to Correspondent or Payable-Through Accounts and Processing of Transactions Involving Certain Foreign Financial Institutions*;
- (2) Any transactions prohibited by Directive 4 under E.O. 14024, *Prohibitions Related to Transactions Involving the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation, and the Ministry of Finance of the Russian Federation*; or
- (3) Any transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR), including transactions involving any person blocked pursuant to the RuHSR other than the blocked persons described in paragraph (a) of this general license, unless separately authorized.

(c) Effective August 2, 2024, General License No. 100, dated June 12, 2024, is replaced and superseded in its entirety by this General License No. 100A.

Bradley T. Smith,
Director, Office of Foreign Assets Control.

Dated: August 2, 2024.

OFFICE OF FOREIGN ASSETS CONTROL**Russian Harmful Foreign Activities
Sanctions Regulations****31 CFR Part 587****GENERAL LICENSE NO. 102****Authorizing Certain Transactions Involving
VPower Finance Security (Hong Kong)
Limited**

(a) Except as provided in paragraph (c) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 that are ordinarily incident and necessary to the transportation, delivery, or storage of currency; cash processing services; or maintenance of automated teller machines (ATMs) within Hong Kong involving VPower Finance Security (Hong Kong) Limited (“VPower”) are authorized through 12:01 a.m. eastern standard time, November 12, 2024.

(b) Except as provided in paragraph (c) of this general license, all transactions prohibited by E.O. 14024 that are ordinarily incident and necessary to the provision and staffing of customer service centers for mass transit railway stations within Hong Kong involving VPower are authorized through 12:01 a.m. eastern standard time, November 12, 2024.

(c) This general license does not authorize:

(1) Any transactions related to the transportation, delivery, or storage of gold;

(2) Any transactions prohibited by Directive 2 under E.O. 14024, *Prohibitions Related to Correspondent or Payable-Through Accounts and Processing of Transactions Involving Certain Foreign Financial Institutions*;

(3) Any transactions prohibited by Directive 4 under E.O. 14024, *Prohibitions Related to Transactions Involving the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation, and the Ministry of Finance of the Russian Federation*; or

(4) Any transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR), including transactions involving any person blocked pursuant to the RuHSR other than the blocked person described in paragraph (a) of this general license, unless separately authorized.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

Dated: August 12, 2024.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2024–19913 Filed 9–5–24; 8:45 am]

BILLING CODE 4810–AL–P

**DEPARTMENT OF HOMELAND
SECURITY****Coast Guard****33 CFR Part 100****[Docket No. USCG–2024–0805]****Special Local Regulation; Poquoson
Seafood Festival Workboat Races;
Back River, Poquoson, VA****AGENCY:** Coast Guard, DHS.**ACTION:** Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a special local regulation for the Poquoson Seafood Festival Workboat Races on the Back River, VA, on September 15, 2024, to provide for the safety of life on navigable waterways during this event. Coast Guard regulations for marine events within the Fifth Coast Guard District identify the regulated area for this event in Poquoson, VA. During the enforcement period, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or local law enforcement vessel approved by the Captain of the Port (COTP).

DATES: The regulations in 33 CFR 100.501 will be enforced for the location identified for the Poquoson Seafood Festival Workboat Races in table 3 to paragraph (i)(3) to § 100.501 from 1 p.m. until 4 p.m. on September 15, 2024.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email LCDR Justin Strassfield, Chief, Waterways Management Division, Sector Virginia, U.S. Coast Guard; telephone 757–668–5580; email Justin.Z.Strassfield@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulation in 33 CFR 100.501 for the Poquoson Seafood Festival Workboat Races from 1 p.m. to 4 p.m. on September 15, 2024. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Fifth Coast Guard District, § 100.501, specifies the location of the regulated area for the Poquoson Seafood Festival Workboat Races, which encompasses portions of the Back River. Although § 100.501 indicates the event will take place the last Sunday in September or the first or second Sunday in October, a footnote in the regulation indicates that the dates are subject to change and that notice of any change in dates will be provided in the **Federal Register**.

During the enforcement period, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or from any local law enforcement vessel approved by the COTP.

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

Dated: August 29, 2024.

Peggy M. Britton,

Captain, U.S. Coast Guard, Captain of the Port Virginia.

[FR Doc. 2024–20090 Filed 9–5–24; 8:45 am]

BILLING CODE 9110–04–P

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 52****[EPA–R02–OAR–2023–0468; FRL–12057–02–R2]****Air Plan Approval; New Jersey;
Interstate Transport Requirements for
the 2010 1-Hour Sulfur Dioxide
Standard****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the portions of a State Implementation Plan (SIP) submittal from the State of New Jersey demonstrating that the State satisfies the infrastructure requirements of the Clean Air Act (CAA) addressing interstate transport of pollution with respect to the 2010 1-hour Sulfur Dioxide (SO₂) primary National Ambient Air Quality Standard (NAAQS). This action is being taken in accordance with the requirements of the CAA.

DATES: This final rule is effective on October 7, 2024.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R02–OAR–2023–0468. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Controlled Unclassified Information (CUI) (formally referred to as Confidential Business Information (CBI)) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are

available electronically through <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Robert Rutherford, Environmental Protection Agency, Air Programs Branch, Region 2, 290 Broadway, New York, New York 10007–1866, at (212) 637–3712, or by email at rutherford.robert@epa.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. What is the background for this action?
- II. Environmental Justice Considerations
- III. What comments were received in response to the EPA's proposed action?
- IV. What action is the EPA taking?
- V. Statutory and Executive Order Reviews

I. What is the background for this action?

On October 17, 2014, the New Jersey Department of Environmental Protection (NJDEP) submitted a revision to its SIP to address requirements under section 110(a)(2) of the CAA (the infrastructure requirements) related to the 2008 Lead, 2008 Ozone, 2010 NO₂, 2010 SO₂, 2006 PM₁₀, 2011 CO, and 2012 PM_{2.5} NAAQS.

On July 1, 2024, the EPA proposed to approve the portions of New Jersey's SIP submittal addressing interstate transport for the 2010 1-hour SO₂ NAAQS as meeting the requirements in section 110(a)(2)(D)(i)(I) of the CAA, often referred to as the "good neighbor" provision. *See* 89 FR 54396.

The EPA had previously¹ finalized actions on all applicable section 110(a)(2) elements of the October 17, 2014, submittal with the exception of 110(a)(2)(D)(i)(I) for the 2010 1-hour SO₂ NAAQS. Further information regarding those actions can be found in the Technical Support Document (TSD) for this action, which is included in the docket for this rulemaking. This rulemaking action is addressing the portions of New Jersey's infrastructure submittal for the 2010 1-hour SO₂ NAAQS that pertain to the "good neighbor" provision of the CAA.

In their SIP submission to the EPA, NJDEP discussed how they have addressed the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) through their state-adopted rules and enforceable consent decrees, which control sources that impact air quality in neighboring States. NJDEP emphasized that their rules do not hinder other States' air quality standards, and their emissions regulations are stricter than Federal and nearby State rules. New Jersey

highlighted its existing SIP-approved regulations and other federally enforceable control measures, including power plant consent decrees and low sulfur fuel requirements for distillate and residual fuels (N.J.A.C. 7:27–9) that have reduced SO₂ emissions that may be transported to other States.

The EPA undertook an independent evaluation of New Jersey's submission in a manner consistent with its evaluation of other States' SO₂ transport SIP submissions. This approach recognizes that SO₂ is a relatively more localized pollutant, and its transport is appropriately analyzed through focusing on impacts from point sources at the "urban scale." *See, e.g.,* 86 FR 31645, 31546 (June 15, 2021). For the reasons explained in the accompanying TSD in the docket, the EPA determined that New Jersey's SIP is adequate to prevent sources in New Jersey from significantly contributing to nonattainment or interfering with maintenance in another State with respect to the 2010 1-hour SO₂ NAAQS. This determination is based on a weight of evidence analysis that takes into account the following considerations: SO₂ emissions statewide have declined significantly from 2014 to 2022; the absence of nearby SO₂ nonattainment areas in neighboring States or uncharacterized air quality near New Jersey point sources; SO₂ ambient air quality data far below the SO₂ NAAQS and exhibiting downward trends or remaining stable; the EPA's impact assessment that shows that New Jersey sources within 50 kilometers of New Jersey's borders are unlikely to significantly contribute to nonattainment or interfere with maintenance in any nearby States based on emission trends, wind patterns, air monitoring, and modeling data; and New Jersey's existing control measures, which ensure that SO₂ emissions will continue to be effectively controlled for existing and new sources or modifications. A detailed summary of the EPA's review and rationale for the approval of this SIP revision as meeting CAA section 110(a)(2)(D)(i)(I) for the 2010 1-hour SO₂ may be found in the TSD.

II. Environmental Justice Considerations

New Jersey provided a supplement to the SIP submission being approved with this rulemaking on May 16, 2023. The supplemental submission briefed the EPA on Environmental Justice (EJ) considerations within New Jersey by detailing the State's programs and initiatives addressing the needs of communities with EJ concerns that have been ongoing since 1998. For more

information on New Jersey's EJ initiatives, the EPA refers the reader to the proposal published on July 1, 2024. *See* 89 FR 54397. Although New Jersey considered EJ as part of its SIP submittal, the EPA has determined that conducting its own comprehensive EJ analysis is not necessary in the context of this SIP submission for interstate transport for the 2010 1-hour SO₂ NAAQS, as the CAA and its applicable implementing regulations neither prohibit nor require such an evaluation of EJ in relation to the relevant requirements. Additionally, there is no evidence suggesting that this action contradicts the goals of E.O. 12898 or that it will disproportionately harm any specific group or have severe health or environmental impacts.

The EPA expects that this action, which assesses whether New Jersey's SIP adequately addresses the interstate transport of air pollution that affects downwind States' ability to attain and maintain the 2010 1-hour SO₂ NAAQS, will generally have a neutral impact on all populations, including communities of color and low-income groups. At the very least, it will not worsen existing air quality standards.

In summary, the EPA concludes, for informational purposes only, that this rule will not disproportionately harm communities with environmental justice concerns. New Jersey did evaluate EJ considerations voluntarily in its SIP submission, but the EPA's assessment of these considerations is provided for context, not as the basis for the action. The EPA is taking action under the CAA independently of the State's EJ assessment.

III. What comments were received in response to the EPA's proposed action?

The EPA provided a 30-day review and comment period for the July 1, 2024, proposed rule. The comment period ended on July 31, 2024. We received no comments on the EPA's action.

IV. What action is the EPA taking?

The EPA is approving the portions of New Jersey's SIP submittal addressing interstate transport for the 2010 1-hour SO₂ NAAQS as meeting the requirements in section 110(a)(2)(D)(i)(I) of the CAA.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP

¹ *See* 81 FR 64070 (September 19, 2016), 83 FR 24661 (May 30, 2018), 83 FR 40151 (August 14, 2018), and 85 FR 28883 (May 14, 2020).

submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 14094 (88 FR 21879, April 11, 2023);
 - Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
 - Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
 - Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
 - Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
 - Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
 - Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
 - Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.
- In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and it will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

The NJDEP evaluated environmental justice as part of its SIP submittal even though the CAA and applicable implementing regulations neither prohibit nor require an evaluation. The EPA's evaluation of the NJDEP's environmental justice considerations is described above in the section titled, “Environmental Justice Considerations.” The analysis was done for the purpose of providing additional context and information about this rulemaking to the public, not as a basis of the action. The EPA is taking action under the CAA on bases independent of New Jersey's evaluation of environmental justice. In addition, there is no information in the record upon which this decision is based that is inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

This action is subject to the Congressional Review Act, and the EPA will submit a rule report to each House of the Congress and the Comptroller

General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 5, 2024. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur dioxide.

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

Lisa Garcia,
Regional Administrator, Region 2.

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart FF—New Jersey

- 2. In § 52.1570, the table in paragraph (e) is amended by adding an entry for “NJ Infrastructure SIP for the 2010 Sulfur Dioxide NAAQS; Interstate Transport Provisions” at the end of the table to read as follows:

§ 52.1570 Identification of plan.

* * * * *
(e) * * *

EPA-APPROVED NEW JERSEY NONREGULATORY AND QUASI-REGULATORY PROVISIONS

SIP element	Applicable geographic or nonattainment area	New Jersey submittal date	EPA approval date	Explanation
NJ Infrastructure SIP for the 2010 Sulfur Dioxide NAAQS; Interstate Transport Provisions.	Statewide	October 17, 2014	September 6, 2024, [insert Federal Register citation].	<ul style="list-style-type: none"> • Full approval. • This action addresses the following CAA elements: 110(a)(2)(D)(i)(I) prongs 1 and 2.

■ 3. In § 52.1586, revise paragraph (b)(1) to read as follows:

§ 52.1586 Section 110(a)(2) infrastructure requirements.

* * * * *

(b) * * *

(1) *Approval.* Submittal from New Jersey dated October 17, 2014 to address the CAA infrastructure requirements of section 110(a)(2) for the 2008 Lead, 2008 8-hour ozone, 2010 NO₂, 2010 SO₂, 2012 PM_{2.5}, 2006 p.m.₁₀ and 2011 CO NAAQS is approved for (D)(i)(II) prong 4 (visibility). Submittal from New Jersey dated October 17, 2014, as supplemented on March 15, 2017, to address the CAA infrastructure requirements of section 110(a)(2) for the 2008 Lead, 2008 8-hour ozone, 2010 NO₂, 2010 SO₂, 2012 PM_{2.5}, 2006 PM₁₀, and 2011 CO NAAQS is approved for (A), (B), (C) (enforcement program only), (E), (F), (G), (H), (J) (consultation and public notification only), (K), (L), and (M). Submittal from New Jersey dated October 17, 2014 to address the CAA infrastructure requirements of section 110(a)(2) for the 2012 PM_{2.5}, 2006 PM₁₀, 2008 Lead, 2010 Nitrogen Dioxide, 2010 Sulfur Dioxide, and the 2011 Carbon Monoxide NAAQS is approved for (D)(i)(I).

* * * * *

[FR Doc. 2024-19597 Filed 9-5-24; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 11

[PS Docket Nos. 15-91, 15-94; FCC 24-83; FR ID 240853]

The Emergency Alert System and Wireless Emergency Alerts

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission) amends its regulations governing the Emergency Alert System (EAS) and Wireless Emergency Alerts (WEA) to add a new event code, MEP, to allow alert originators to issue an alert to the public about missing and endangered persons (MEP) whose circumstances do not meet the criteria of “America’s Missing: Broadcast Emergency Response” (AMBER) alerts.

DATES: Effective September 8, 2025.

FOR FURTHER INFORMATION CONTACT: David Kirschner, of the Cybersecurity and Communications Reliability Division of the Public Safety and

Homeland Security Bureau, at David.kirschner@fcc.gov or (202) 418-0695.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s Report and Order (*Order*) in PS Docket Nos. 15-91 and 15-94, FCC 24-83, adopted on August 7, 2024, and released on August 8, 2024. The full text of this document is available online at: <https://docs.fcc.gov/public/attachments/FCC-24-83A1.pdf>.

Synopsis

1. The *Order* adds to part 11 EAS rules a new dedicated EAS event code for missing and endangered person incidents, to advance the important public policy of enabling and facilitating coordinated, nationwide law enforcement activity to locate missing and endangered persons in order to restore them to their homes, families, and communities. The *Order* adopts the three-character “MEP” code to enable delivery of missing and endangered person alerts over the EAS and WEA. This will promote the development of compatible, integrated and uniform “Ashanti Alert” plans throughout the United States, consistent with the Ashanti Alert Act of 2018 (Ashanti Alert Act), a Federal statute that addresses persons missing or abducted from states, territories, or Tribal communities under circumstances that fall outside of AMBER Alert notification criteria. While of widespread concern, the issue of missing and endangered persons is particularly prevalent in Tribal communities, where American Indian (AI) and Alaska Native (AN) people are at a disproportionate risk of experiencing violence, murder, or vanishing, and the Black community, which also experiences a disproportionately high risk of persons going missing.

I. Background

2. *Emergency Alert System.* The EAS is a national public warning system through which TV and radio broadcasters, cable systems, and other service providers (EAS Participants) deliver alerts to the public to warn it of impending emergencies and dangers to life and property. The primary purpose of the EAS is to furnish the President with “the capability to provide immediate communications and information to the general public at the National, State and Local Area levels during periods of national emergency.” The common usage of the EAS, however, is to distribute alerts issued by state and local governments, as well as by the

National Weather Service (NWS), to the public. The Commission, the Federal Emergency Management Agency (FEMA), and the NWS implement the EAS at the Federal level.

3. EAS alerts are configured using the EAS Protocol, which utilizes fixed, three-character “event codes” (e.g., “CAE” signifies Child Abduction Emergency, “TOR” signifies Tornado Warning, and “FFW” signifies Flash Flood Warning) to describe the type of alert being sent. Additional data identifies other elements of an EAS alert, enabling the delivery of temporally- and geographically-targeted alerts to the public. EAS messages are distributed either through (i) a broadcast-based, hierarchical distribution system in which an alert message originator (“Alert Originator”) (e.g., State Governor’s offices, state/county/Tribal emergency management authorities, NWS, etc.) encodes (or arranges to have encoded) a message in the EAS Protocol, which is then broadcast from one or more EAS Participants and subsequently relayed, participant-to-participant, until all affected EAS Participants have received the alert and delivered it to the public; or (ii) an internet Protocol (IP)-based process over the internet after formatting the alerts in the Common Alerting Protocol (CAP) and delivering them via the FEMA administered Integrated Public Alert and Warning System (IPAWS).

4. *Ashanti Alerts.* Enacted in 2018, the Ashanti Alert Act is named in honor of Ashanti Billie, a 19-year-old woman who was abducted in 2017 in Virginia and found dead in North Carolina. The Ashanti Alert Act requires a National Coordinator within the Department of Justice (DOJ) (the Bureau of Justice Assistance (BJA)) to establish a national communications network to “provide assistance to regional and local search efforts for missing adults through the initiation, facilitation, and promotion of local elements of the network, in coordination with States, Indian Tribes, units of local government, law enforcement agencies, and other concerned entities with expertise in providing services to adults.” Ashanti Alerts are intended to aid in the search and recovery of missing persons over the age of 17 who fall outside the scope of AMBER Alerts and Silver Alerts.

5. Under the Ashanti Alert Act, BJA, among other things, must work with “States and Indian Tribes to encourage the development of additional Ashanti Alert plans in their network” and “establish voluntary guidelines for States and Indian Tribes to use in developing Ashanti Alert plans that will

promote compatible and integrated Ashanti Alert plans throughout the United States.” And the BJA must coordinate and consult with the Commission and other Federal agencies “in carrying out activities under” the Ashanti Alert Act, and also must “consult with local broadcasters and State, Tribal and local law enforcement agencies in establishing minimum standards [for issuance and dissemination of Ashanti Alerts] and in carrying out other activities” under the Ashanti Alert Act.

6. *Savanna’s Act*. Named for Savanna LaFontaine-Greywind, a pregnant member of the Spirit Lake Tribe found brutally murdered in the Red River of North Dakota in 2017, *Savanna’s Act* clarifies Federal, state, Tribal, and local law enforcement responsibilities for collecting and sharing data “related to missing or murdered Indian men, women, and children, regardless of where they reside . . . and directs U.S. attorneys to develop regionally appropriate guidelines for responding to missing or murdered Indians.” *Savanna’s Act* further calls for establishing guidance for “best practices in conducting searches for missing persons on and off Indian land.” *Savanna’s Act* brings attention to the need for law enforcement coordination in addressing violent crimes against American Indians and Alaska Natives.

7. *National Congress of American Indians’ (NCAI) Resolution*. In late 2023, Native Public Media (NPM) sponsored a resolution calling for the Commission to establish an MEP event code to “enable a more rapid and coordinated response to incidents involving missing indigenous persons.” NCAI Resolution #NO–23–001 states that “Native Americans face significant challenges in addressing the issue of missing and endangered adults, requiring immediate attention and action,” and that current EAS event codes fail to account for these unique missing person circumstances. The NCAI further states that their “communities have historically been disproportionately affected by missing person cases, with Native Americans constituting 2.5% of all missing person cases despite comprising only 1.2% of the U.S. population, as reported by the National Crime Information Center, underscoring the urgent need for targeted measures.” The General Assembly of NCAI adopted this resolution in November 2023.

8. On January 29, 2024, the National Ashanti Alert Network Stakeholder Working Group and Pilot Project Participants Working Group (Ashanti Alert Working Groups) submitted comments that “noted a need for a

missing and endangered person code that would supplement the current Child Abduction Emergency (CAE) and Blue Alert (BLU) IPAWS codes. Currently no code exists for missing and endangered persons,” which requires alerting agencies to use generic EAS event codes such as Local Area Emergency (LAE) or Law Enforcement Warning (LEW), when they issued an alert for a missing and endangered person. In offering language for a missing and endangered persons event code, they used “person” and “persons. Although Ashanti Alerts only apply to adults, the Ashanti Alert Working Groups specifically noted that they did not use “adult” in their proposed language “because alerting agencies have noted that not all missing children fit the criteria outlined for an AMBER alert and as such the MEP code could be utilized when CAE alert criteria [are] not met.”

9. *Post-MEP Notice of Proposed Rulemaking (NPRM) Tribal Consultation*. The Commission adopted the *MEP NPRM* on March 14, 2024, proposing to “revise the Commission’s EAS rules to add a new ‘MEP’ event code for all EAS alerts about missing and endangered person incidents that do not meet the criteria for an AMBER Alert.” (89 FR 27699, April 18, 2024) Consistent with Commission policy, the Commission directed the Office of Native Affairs and Policy (ONAP) to coordinate government-to-government consultation with Tribal Nations about the topics raised in the *MEP NPRM*, including the proposal to add a new “MEP” event code and whether it should consider an additional dedicated EAS event code for missing Indigenous persons on and off Tribal land.”

10. Accordingly, ONAP arranged and participated in several consultation and listening sessions with leaders, representatives, and members of federally recognized Tribes and their communities. The consultative events and related *ex parte* meetings took place in May and June 2024, both in person and virtually. In the meetings, ONAP provided overviews of the Commission’s rulemaking processes and the *MEP NPRM*. Commission staff solicited feedback from Tribal participants and explained how Tribal participants could engage in the rulemaking process through comment submissions in the relevant dockets.

II. Discussion

11. The *Order* finds that the EAS is an effective mechanism for delivering emergency alerts, which may include alerts about missing and endangered persons. An MEP event code could be

used for all EAS alerts about missing and endangered person incidents including those that meet the criteria for an Ashanti Alert and those involving persons who are under 18 yet do not already meet the criteria for an AMBER Alert. The *Order* also finds that a dedicated EAS event code for missing and endangered person alerts serves the public interest and advances state and Tribal initiatives to find missing and endangered persons. Accordingly, we create and add a dedicated MEP event code to the EAS Protocol. The *Order* also permits MEP alerts to be deployed via WEA using existing alerting methodologies and consistent with our WEA rules. Finally, the *Order* establishes a period of 12 months from publication of the Report and Order in the **Federal Register**, both to enable the usage of the MEP EAS event code over EAS, and to enable the delivery of alerts over WEA.

12. The *Order* finds, as virtually all commenters affirm, that adopting an MEP event code will make the EAS a more effective tool for finding missing and endangered persons. FEMA, which “maintain[s] the integrity” of IPAWS and, among other duties, “provid[es] guidance on the categories of public emergencies” meriting an alert, supports the creation of “a new event code to expand emergency messaging for MEPs that fall outside the current criteria of the AMBER Alert.” FEMA lauds the EAS’ functionality and resiliency, and believes that implementation of an MEP event code in the same fashion as the CAE event code for AMBER Alerts presents “no constraints that would impede the EAS’s ability to contain the information required” for those alerts. This position accords with the views of industry and public safety commenters who also support implementation of the MEP event code.

12. The Commission also finds the views of Tribal and Indigenous communities supporting this action particularly compelling. These communities face a profound crisis of missing, endangered, abducted, and murdered persons. As one Native American commenter pointed out, “the MEP event code can be actively deployed to reach remote and underserved tribal communities, ensuring swift and efficient dissemination of critical information.” Coordinated, often multi-jurisdictional law enforcement search, rescue, and recovery activities enhanced by an MEP EAS event code could have enormous life-saving value for AI/AN people as well as persons of color.

13. Comments associated with the FCC’s Tribal consultations and *ex parte*

meetings also resoundingly support adding the proposed MEP event code to EAS, which could then be sent using a WEA, which is seen as “a tool that would assist in recovery of missing and endangered persons” and, indeed, could “speed up the process to disseminate missing persons alerts.” Comparing the proposed MEP code to AMBER Alerts, commenters expressed hope that the MEP code would be as effective as AMBER Alerts have been in helping to locate missing and endangered children. Another noted that the lack of a national EAS alert code for missing and endangered adults is “one of the biggest barriers to the recovery of missing and endangered Indigenous people.”

14. The Commission finds that it is in the public interest, as the vast majority of other commenters support, to facilitate notifications for all missing and endangered people, including AI/AN people, using the existing EAS mechanism.

15. *Technical and operational feasibility.* The *Order* finds that it is technically and operationally feasible to send MEP alerts using the EAS. As FEMA observes in supporting the Commission’s proposed use of EAS to deliver MEP alerts nationally, the EAS and the “alerting ecosystem” in which it operates “is the broadest and most resilient system for relaying emergency messages” and, indeed, there will be “no constraints that would impede the EAS’s ability” to function as proposed by the Commission. The Navajo Nation, citing its own experience with Ashanti Alerts for Navajo people, asserts that “there are no constraints in the ability to send out imperative information through EAS under the Ashanti Alert.” The Commission agrees, and further observes that no commenter has suggested otherwise.

16. *Geographic Requirements.* The *Order* finds that the code the Commission adopts strikes a proper balance between the need to avoid the deleterious effects of alerting misuse or overuse through appropriate geolocation while ensuring sufficient scope to aid location and recovery of missing and endangered persons. EAS’s effectiveness in managing the geographic targeting required for Blue Alerts (BLU) and AMBER Alerts (CAE), which the Commission acknowledged in the *BLU Report and Order* (83 FR 2557, January 18, 2018), warrants a conclusion that the EAS will be similarly effective for alerts using the MEP event code. That effectiveness, in turn, will both advance the critical policy goal of finding and recovering missing and endangered persons, and enhancing the public’s trust in emergency alerts by avoiding

unnecessarily broad activations that might contribute to warning fatigue.

17. The Commission expects that EAS Participants can and will accommodate both micro- and macro-area geographic alerting in the context of missing and endangered person alerts, as they do for Blue Alerts and AMBER Alerts now. Of course, as is the case already with Blue and AMBER alerts, geographic scope will be based on the Alert Originators’ inputs concerning the “emergency prompting” the alert. That is a matter of law enforcement discretion in originating and cascading the alert, of course, not an issue of whether the requirement poses technical feasibility challenges to the EAS, however broad or narrow that scope input may be at origination.

18. *IPAWS and Legacy EAS.* The Commission agrees with commenters such as FEMA and the Navajo Nation that EAS MEP Alerts sent via both the IPAWS and the legacy EAS broadcast “daisy chain” will provide the fullest possible support for MEP transmissions. The Commission sees no discrepancy between the two delivery mechanisms material enough to prevent us from adopting the MEP event code as proposed.

19. As the Commission previously noted: “additional information cannot be relayed when CAP alerts are converted into legacy alerts for further distribution over the legacy EAS, all data other than the header codes [and the audio reading of the alert] are lost in this conversion process.” To address this issue, the Commission required EAS Participants to check for CAP-formatted messages when they receive state or local alert messages in legacy format, and if the same alert is available in CAP format, to relay the CAP version instead. As a result, the benefits of the CAP formatted alert should always be available unless IPAWS is inaccessible, in which case the legacy format will still provide the audio description of the alert.

20. The Commission adds the dedicated MEP event code to the EAS to advance the public interest and the purposes of the Ashanti Alert Act. The Commission believes that a dedicated EAS event code that expands MEP emergency messaging that fall outside the scope of AMBER Alerts will promote stronger nationwide coordination on Ashanti Alerts and other missing and endangered person alerts. It will also address jurisdictional alerting discrepancies, mitigate public confusion with respect to the meaning of various alerts, and ensure that more missing and endangered persons cases will be covered by the Federal

emergency communications system. In the end, the Commission believes, this dedicated EAS event code will “help save lives of [missing and endangered persons] across the United States and Tribal Nations.”

21. Moreover, adding missing and endangered person alerts to EAS will advance the important public policy objective of “encouraging states, territories, and Tribal governments to develop or enhance existing missing and endangered person and Ashanti Alert plans to optimize regional and nationwide search efforts for missing, endangered, or abducted persons.” This is so, the Commission believes, because of the expected results; the persons who are saved, found, and reunited with their families and communities may encourage policy makers and law enforcement stakeholders to embrace EAS-enabled efficiencies in existing plans and, where no such plans exist, to construct them to serve their communities. In this regard, the Commission agrees with FEMA, which asserts that the new MEP EAS event code would “promote stronger nationwide coordination” with respect to handling missing and endangered persons alerts, and also would “address the discrepancies in alerts between different jurisdictions” and help save the lives of missing and endangered persons.

22. The Commission concludes that alert originators may use the MEP event code for all missing and/or endangered people alerts that do not qualify for an AMBER alert, whether that is because the missing and/or endangered person is over 17 or does not meet other criteria for issuing an AMBER alert. As FEMA observes, expanding emergency messaging for MEPs that fall outside of the criteria of an AMBER Alert, “would promote stronger nationwide coordination on alerting for MEPs, address the existing discrepancies in alerts between different jurisdictions, mitigate public confusion on the meaning of various alerts, and ensure that federal rules and regulations cover more cases of MEPs.” FEMA notes that its research “shows that more than forty missing and endangered alert names lack uniformity in alert criteria and/or requirements and can create public confusion, especially when traveling from state to state.” The Commission agrees with FEMA that establishing a dedicated MEP code “will contribute to a national unified messaging approach to finding MEPs.”

23. The *Order* also finds that this will further the goals of the Ashanti Alert Act. In their request for an MEP event code, the Ashanti Alert Working Groups

offered a definition for an MEP code that uses “person” or “persons,” but not “adult.” To emphasize this point they write: “Note that the term adult is not added within this warning to differentiate same from CAE [the event code for AMBER Alerts] alerts because alerting agencies have noted that not all missing children fit the criteria outlined for an AMBER alert and as such the MEP code could be utilized when CAE alert criteria [are] not met.” The Commission agrees with the Ashanti Alert Working Groups and other commenters who argue that an MEP event code should be able to be used for all missing and endangered person alerts that do not qualify for an AMBER Alert. Providing the broadest parameters for an MEP event code will grant maximum flexibility to alerting authorities trying to find missing and endangered persons, including Tribal alert originators who may not want to be constrained by the Ashanti Alert criteria when using the EAS and WEA to find missing and/or endangered members of their community.

24. *Tribal and Indigenous Voices.* Tribal leaders, representatives, organizations, and members also believe the MEP event code will lead to optimization of existing missing and endangered persons plans and encouragement of plan development throughout the Nation. The United South and Eastern Tribes, Inc. (USET) states that “adoption of MEP as a dedicated EAS event code would encourage EAS Participants to deliver missing and endangered persons and Ashanti Alert[s]” nationwide, “thereby facilitating the work of the National Ashanti Alert Network.” USET also agrees that the MEP event code would promote “nationwide adoption and expansion of Ashanti Alerts while [] ensuring that missing and endangered persons that don’t meet the criteria of AMBER Alerts . . . are appropriately transmitted to the public.” Similarly, the Navajo Nation commends the EAS as “extremely efficient and effective” in its experience using it and WEA.

25. NPM extols IPAWS and asserts that “the MEP code established within EAS would provide a clear, consistent trigger for issuing alerts across all participating media outlets and platforms.” NPM further believes that “[s]tandardizing criteria for activation [by way of EAS and IPAWS] would be nationwide, ensuring a baseline level of urgency and response regardless of location.”

26. Commenters, including FEMA, industry, and Tribal voices support an EAS event code solely dedicated to MEP alerts. These commenters agree it will

promote and catalyze uniformity with respect to efforts to locate and recover missing and endangered persons, promote the creation of Ashanti Alert Plans and Ashanti Alert-compliant Plans where they may not currently exist, and aid the integration of such plans into a coordinated national framework consistent with the Ashanti Alert Act’s stated goals.

27. The Commission believes that adoption of a single MEP code is appropriate at this time. Although nearly all AI/AN, Tribal, and Indigenous commenters favored swiftly moving forward with an MEP EAS event code as principally proposed in the *MEP NPRM*, some favor a Tribal-specific MIP (Missing Indigenous Person) or similar event code for EAS soon thereafter, while others call for only an MIP event code and others call for only an MEP event code. The Commission believes a single MEP event code will advance the cause of aiding in the rescue of Native persons and will monitor implementation of the new event code to make sure that is the case.

28. The *Order* permits MEP alerts to be deployed via WEA using existing alerting methodologies and consistent with the Commission’s WEA rules. The Commission believes that using the existing technologies will ensure a swift implementation of the new code. The Commission thus agrees with CTIA—The Wireless Association’s (CTIA) and the Alliance for Telecommunications Industry Solutions’ (ATIS) suggestion that the Commission use an existing WEA classification to achieve its alerting goals here. In addition, the Commission agrees with those commenters addressing the question that the logical WEA alert class choices are the Imminent Threat class and the Public Safety Message alert class.

29. The Commission observed in the *MEP NPRM* that the WEA system is a “tool for authorized federal, state, local and Tribal government[s]” to provide geographically targeted alerts and warnings to WEA-capable mobile devices of participating commercial mobile service (CMS) providers’ subscribers. However, WEA “does not use event codes” like the EAS; rather, EAS alert origination software and FEMA IPAWS ‘map’ EAS event codes onto WEA handling codes corresponding to the alert message classifications the Commission has authorized for issuance over WEA. These classifications, currently, are National Alert, Imminent Threat Alert, AMBER Alert, and Public Safety Message.

30. The Commission agrees with ATIS that there would be no “technical

impacts to Commercial Mobile Service Provider (CMSP) networks or mobile devices if the EAS MEP event code is mapped to any existing WEA alert class.” As ATIS notes, the required mapping would “occur prior to the arrival of the alert message at the CMSP network,” and there would be no need for device modifications to reflect any “user choice for opting in/out because all existing alert classes are already represented in the device WEA menus.” The Commission also agrees with CTIA that using an “existing alert class to implement any MEP alert will help avoid costly changes and potential backwards compatibility issues to handsets and Participating CMSP networks, as well as costly and time-consuming end-to-end testing and new device roll-out—all of which would delay the availability of the alert.”

31. In the *BLU Report and Order*, the Commission declined to adopt a new alert classification for Blue Alerts and further chose not to specify one of the existing WEA classifications for Blue Alerts. Instead, the Commission left these issues “teed up in the *Blue Alert NPRM*” (82 FR 29811, June 30, 2017) proceeding “to help gather additional information on this issue beyond what the record currently contains.” The Commission chose this temporary course in order to “reduce the necessary time for Blue Alerts to become available on WEA, and [to] reduce the costs to WEA stakeholders,” *i.e.*, of establishing a new classification. The Commission does so again here.

32. In the *MEP NPRM*, the Commission sought comment on the timeframe “in which MEP as a dedicated EAS event code for missing and endangered person alerts, including Ashanti Alerts, could be implemented.” Because of the similar technical and public safety-related steps involved, the Commission proposed the same timeframe as that chosen in the *BLU Report and Order*, where the Commission required EAS equipment manufacturers to integrate BLU EAS event codes into equipment not yet manufactured or sold, and to make necessary software upgrades available to EAS Participants within 12 months. The Commission also proposed to allow EAS Participants, as in the *BLU Report and Order*, to implement the new MEP event code “on a voluntary basis through new equipment programmed to contain the code or through a software upgrade to install the code into equipment already in place.” We adopt those approaches here.

33. The Commission allows a period of 12 months from publication of the *Report and Order* in the **Federal**

Register to enable the delivery of missing and endangered person alerts over EAS and over WEA. While the Commission “encourage[s] stakeholders to work together voluntarily to implement” MEP Alerts in swift fashion in order to capture “the important public safety objectives involved,” the record reflects that implementation is not merely turn-key. Rather, some time is necessary for equipment manufacturers and CMSPs to prepare their equipment and networks to be able to process alerts sent with an MEP event code over EAS and WEA, as well as for alert originators, EAS Participants, and other stakeholders to acquire appropriate training and resources to deliver these alerts to the public if they choose to do so. This implementation schedule will ensure all stakeholders have sufficient time to address any technical, resource, and training needs they may require to ensure the successful delivery of missing and endangered person alerts.

34. The Navajo Nation supports the Commission’s 12-month implementation proposal and urges the Commission to move swiftly to implement the MEP event code. They acknowledge that implementation, especially if it is to be effective for Tribal communities and Indigenous people, will entail “comprehensive training, culturally sensitive outreach, and a holistic approach that respects tribal sovereignty.” Additionally, multiple individuals commented at the Commission’s Tribal consultation and listening sessions regarding the need for socialization, outreach, and training for Tribal nations regarding implementation and adoption of the MEP code, and raised questions regarding available funding and support for tribal nations. NPM, like FEMA, pledges to work with the Commission and others in this regard.

35. No commenter objected to the Commission’s proposed timeline. FEMA, while not commenting on the proposed implementation timeline, pledges “to work closely with the FCC to inform and empower jurisdictions” in the effective use of the MEP event code, and to work with “the FCC, the broadcast industry, Alert Originators (AOs), and relevant stakeholders to determine how alerts using the MEP event code can be successfully implemented.” The Commission takes this to mean that FEMA, which controls IPAWS, is committed to doing its part to ensure the MEP event code is operationalized as swiftly as possible and does not object to a 12-month timetable.

36. NCTA—The Internet & Television Association (NCTA) takes issue with the Commission’s incremental time estimates in the *MEP NPRM*, arguing that the “process takes weeks to months, not a few hours as the *Notice* suggests.” The Commission proposed 12 months for implementation, which is consistent with NCTA’s contention. The Commission also notes that NCTA does not suggest that 12 months, overall, is insufficient for the labors and operations needed. Thus, the Commission has, as NCTA urged, “take[n] notice” of the processes involved in calibrating a 12-month implementation requirement; the Commission does not read NCTA’s comments to take issue with that overall. The Commission understands the technical issues involved in implementing the new event code and appropriately sets the implementation deadline to address those concerns.

37. When the Commission addressed virtually identical issues in the *BLU Report and Order*, it followed NCTA’s suggestion, then, that the Commission look to “EAS manufacturers to determine the adequacy of the time allocated for software upgrades to equipment.” There, the Commission noted comments from EAS equipment manufacturers “that 12 months is sufficient to allow for the [Blue Alerts] event code to be deployed within a scheduled in-version equipment software update, resulting in no incremental cost to EAS Participants, rather than as a scheduled major version upgrade that would have to be separately purchased.”

38. The Commission chooses to follow its determination in the *BLU Report and Order* and require a 12-month implementation deadline for both EAS Participants and CMSPs. In the *BLU Report and Order*, the Commission acknowledged the soundness of 12 months for EAS Participants on the theses presented there, as described above, and the Commission believes these are mostly identical to the present MEP event code. However, in the *BLU Report and Order*, CMSPs contested a 12-month implementation deadline and specifically sought 18 months due to the technical requirements they anticipated (including concurrent implementation of then-pending wireless industry technical standards). Those issues are not present here because the standards have now been set and implemented. Rather, CMSPs conveyed confidence in implementation assuming the Commission does not order a new WEA classification for these alerts, which the Commission does not choose to do.

Accordingly, the Commission adopts the same 12-month implementation schedule for CMSPs as for EAS Participants.

39. Finally, the *MEP NPRM* proposed to allow EAS Participants to upgrade their equipment to add a designated MEP event code on a voluntary basis until their equipment is replaced. This proposal is the same as, or very similar to, the approach the Commission took with Blue Alerts in 2017 and with other new EAS event codes in the past. Commenters who addressed this issue agree. Accordingly, the Commission adopts its proposal, and permits EAS Participants to update their software to add the MEP event code on a voluntary basis. As the Commission observed in the *NWS Report and Order* (81 FR 53039, August 11, 2016), and reaffirmed in the *BLU Report and Order*, “the use by EAS Participants of these codes is and has always been voluntary, and ‘it would be contrary to the voluntary nature of state and local EAS to mandate upgrades to existing EAS equipment to incorporate new optional event codes.’” The Commission again finds that this approach will significantly reduce the costs to EAS Participants.

40. The Commission sought comment in the *MEP NPRM* on additional issues that affect implementation of the MEP event code approved in the Order. For example, the Commission invited comment on: (i) whether to consider a missing Tribal or Indigenous person-specific EAS code in addition to the MEP event code; (ii) how to ensure adequate protection of civil liberties, sensitive medical information, and other privacy-related issues; and (iii) public awareness, outreach, and engagement to ensure that the MEP code effectively conveys an “appropriate sense of urgency to the public and galvanize[s] the public . . . to aid in the finding of missing or endangered adults.”

41. NPM addresses these questions in part by asking the Commission to engage with Tribes, as sovereign nations, to empower and aid their efforts to address the missing and endangered persons crisis uniquely imperiling their communities. In that regard, NPM asks the Commission to, among other things, encourage Tribes to become IPAWS Alerting Authorities and, through ONAP outreach (which necessarily would involve other alerting stakeholders, such as FEMA and DOJ), provide them the support needed to achieve that status. NPM looks to ensure that all participants in the MEP ecosystem “recognize that this work is a sacred trust.”

42. The Commission thinks there is merit to NPM's suggested approach, given the value in ensuring the EAS efficiently and effectively addresses the plight of the missing in AI/AN communities. The Commission is interested in how such an approach might be implemented (e.g., bringing together stakeholders from AI/AN communities, FEMA, EAS Participants, law enforcement, and other trusted alerting system stakeholders to aid a process of understanding and implementation germane to Tribal communities). Accordingly, the Commission will continue to consider this subject through further engagement between ONAP and members of AI/AN communities, which ideally should occur in tandem with the roll-out of the MEP event code.

43. The *Order* concludes that the benefits of implementing the MEP EAS event code, and permitting MEP alerts to be deployed via WEA using existing alerting methodologies and consistent with the Commission's WEA rules, outweigh its costs. In this regard, the Commission draws extensively on its experience with the implementation of new EAS event codes and acknowledges the potential benefits of missing and endangered person alerts issued via an MEP EAS event code and WEA alerts, with respect to which nearly all commenters in this proceeding agree. The *Order* finds that most of the potential costs of implementation arise from software updates made outside of the normal course of planned upgrades. The *Order* allows sufficient time and flexibility to allow manufacturers and EAS Participants and CMSPs to make upgrades and to conduct associated testing in tandem with general software upgrades installed during the regular course of business, thus minimizing costs. The rules adopted in the *Order* present many potential benefits by keeping the public informed and vigilant via the issuance of alerts, and by enlisting their aid to more quickly locate and recover missing and endangered persons, as well as the same kinds of cost reductions for 911 call centers and emergency responders the Commission outlined in the *BLU Report and Order*.

44. *Costs*. The *Order* finds, as suggested in the *MEP NPRM*, that the main cost to EAS Participants that elect to install MEP will be the cost involved in downloading the software updates into their devices and conducting associated testing. In the *MEP NPRM*, the Commission posited that adopting an MEP Alert EAS event code would present similar technical issues to those raised in the *BLU Report and Order*,

and, accordingly, tentatively concluded that the costs for adding a dedicated missing and endangered person alert EAS event code would not exceed a one-time \$12 million implementation ceiling. The Commission carefully explained its rationale for that calculation. No industry or other commenter has challenged this tentative conclusion. Accordingly, the Commission adopts its tentative conclusion from the *MEP NPRM* and finds that a dedicated missing and endangered person alert EAS event code would not exceed a one-time \$12 million implementation cost. Further, the Commission notes that EAS Participants can avoid most incremental implementation costs by downloading the new MEP event code in conjunction with a scheduled software update.

45. Although the Commission recognizes that EAS equipment manufacturers will incur some costs in making the new event code available to all EAS Participants, the Commission believes that 12 months will provide sufficient time to dovetail the MEP upgrade with other scheduled upgrades, posing minimal expense to equipment manufacturers. The Commission believes that the costs for implementation of WEA—given the Commission's decision not to require a new alert classification—will be similarly low. As such, the Commission believes there will be no, or only low, incremental costs associated with the delivery of missing and endangered person alerts over WEA, and that the 12 months granted to Participating CMS Providers is sufficient to allow providers to minimize the costs of deployment.

46. *Benefits*. The Commission anticipates that establishing the EAS MEP event code and allowing MEP alerts through WEA will improve emergency alerting during events described in DOJ's Ashanti Alert criteria, as well as other missing and endangered person scenarios, thereby helping law enforcement locate and recover missing and endangered persons and return them to their regular lives. Existing EAS event codes, such as CAE (AMBER) and LEW (law enforcement warning), are either unavailable for missing and endangered adults (AMBER) or do not effectively identify missing and endangered person alerts to the public (LEW). While precise numerical estimation is not possible, the Commission expects that the MEP event code will improve public safety outcomes for missing and endangered persons in a similar fashion to CAE and AMBER Alerts. The Commission notes the success of AMBER Alerts, where 180

out of the 181 AMBER Alerts issued in 2022 resulted in a recovery, with respect to which 16 were as a direct result of an AMBER Alert being issued. In contrast, Ashanti Alerts have not been as effective as AMBER Alerts. The Commission anticipates that using a dedicated MEP Event code in the EAS and the corresponding WEA handling codes would greatly improve the effectiveness of the alerts for missing and endangered persons not currently covered by AMBER Alerts. Given that fewer than one third of active missing persons records involves children under the age of 18, the Commission anticipates the number of the MEP Alerts per year would be at least double the number of AMBER Alerts. The Commission believes it is reasonable to expect that many more missing and endangered persons will be located and recovered due to the issuance of an EAS missing and endangered person alert that uses the MEP event code. Extrapolating the recovery of missing children directly attributable to AMBER Alerts, the Commission estimates that more than 15 additional missing adults per year would be recovered as a result of the *Order*. The recovery could prevent deaths and bodily harm that these missing persons may otherwise have to endure. Therefore, the benefits to public safety as a result of the *Order* could be substantial. If even one life is saved due to these recoveries, the public safety benefits would outweigh the costs. The *Order* concludes that the minor burdens associated with adopting the MEP code will be more than offset by its benefits. The Commission also concludes that, given the potential for lifesaving and reduction in harm, if even the number of missing persons equals those found due to AMBER Alerts, and definitely if it exceeds it, this item will result in excess of \$100 million in benefits.

III. Procedural Matters

A. Accessible Formats

47. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice).

B. Regulatory Flexibility Analysis

48. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that "the rule will not, if promulgated, have a significant

economic impact on a substantial number of small entities.” Accordingly, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule changes contained in this Report and Order on small entities. The FRFA is set forth in Appendix B of the Report and Order.

C. Paperwork Reduction Analysis

49. This document does not contain information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

D. Congressional Review Act

50. The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that this rule is major under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of this Report and Order to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

IV. Final Regulatory Flexibility Analysis

51. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was included in the *MEP NPRM* released in March 2024. The Commission sought written public comment on the proposals in the *MEP NPRM*, including comments on the IRFA. No comments were filed addressing the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

A. Need for, and Objectives of, the Order

52. The *Order* advances the important public policy of encouraging the formation, enhancement, and integration of Ashanti Alert plans throughout the United States, and for other purposes, by “establish[ing] a voluntary nationwide communication network to aid in the search and recovery of missing persons over the age of 17 who fall outside the scope of America’s Missing: Broadcast Emergency Response (AMBER) Alerts and Silver Alerts.” As required by the Ashanti Alert Act, the DOJ has designated the BJA as the Ashanti Alert Coordinator which, in turn, has

developed guidance for “states, Indian Tribes, local governments, law enforcement agencies, and other stakeholders seeking to establish or enhance an existing Ashanti Alert Plan” in a manner that will promote compatible and integrated missing and endangered person plans throughout the United States. The *Order* creates and adds a dedicated MEP event code to the EAS Protocol for Ashanti Alerts, and permits MEP alerts to be deployed via WEA using existing alerting methodologies and consistent with our WEA rules. It also establishes a period of 12 months from publication of the *Order* in the **Federal Register** to enable the delivery of Ashanti Alerts over EAS, and over WEA. Ashanti Alert carriage, and use of the MEP event code will be voluntary. EAS Participants who decide to carry missing and endangered person alerts, including Ashanti Alerts, should be able to accommodate the new code with a software upgrade of equipment already in place but not yet capable of handling these codes. Any new equipment allowed under existing rules is either similarly upgradeable or will already be programmed to handle the code.

53. The *Order* promotes the development of compatible and integrated Ashanti Alert plans throughout the United States, consistent with the Ashanti Alert Act, and supports the need for a dedicated EAS event code for missing and endangered person alerts. The *Order* also describes the integration of missing and endangered person alerts into WEA.

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

54. There were no comments filed that specifically address the proposed rules and policies presented in the IRFA.

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

55. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments.

56. The Chief Counsel did not file any comments in response to the proposed rule changes in this proceeding.

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

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

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

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

60. Next, the type of small entity described as a “small organization” is generally “any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.” The IRS uses a revenue benchmark of \$50,000 or less to delineate its annual electronic filing requirements for small exempt organizations. Nationwide, for tax year 2022, there were approximately 530,109 small exempt organizations in the U.S.

reporting revenues of \$50,000 or less according to the registration and tax data for exempt organizations available from the IRS.

61. *Wireless Telecommunications Carriers (except Satellite)*. This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services. The SBA size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms in this industry that operated for the entire year. Of that number, 2,837 firms employed fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 594 providers that reported they were engaged in the provision of wireless services. Of these providers, the Commission estimates that 511 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

62. *Broadband Personal Communications Services*. The broadband personal communications services (PCS) spectrum encompasses services in the 1850–1910 and 1930–1990 MHz bands. The closest industry with an SBA small business size standard applicable to these services is Wireless Telecommunications Carriers (except Satellite). The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

63. Based on Commission data as of November 2021, there were approximately 5,060 active licenses in the Broadband PCS service. The Commission's small business size standards with respect to Broadband PCS involve eligibility for bidding credits and installment payments in the auction of licenses for these services. In auctions for these licenses, the Commission defined "small business" as an entity that, together with its affiliates and controlling interests, has

average gross revenues not exceeding \$40 million for the preceding three years, and a "very small business" as an entity that, together with its affiliates and controlling interests, has had average annual gross revenues not exceeding \$15 million for the preceding three years. Winning bidders claiming small business credits won Broadband PCS licenses in C, D, E, and F Blocks.

64. In frequency bands where licenses were subject to auction, the Commission notes that, as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

65. *Narrowband Personal Communications Services*. Narrowband Personal Communications Services (Narrowband PCS) are PCS services operating in the 901–902 MHz, 930–931 MHz, and 940–941 MHz bands. PCS services are radio communications that encompass mobile and ancillary fixed communication that provide services to individuals and businesses and can be integrated with a variety of competing networks. Wireless Telecommunications Carriers (except Satellite) is the closest industry with an SBA small business size standard applicable to these services. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

66. According to Commission data as of December 2021, there were approximately 4,211 active Narrowband PCS licenses. The Commission's small business size standards with respect to Narrowband PCS involve eligibility for bidding credits and installment payments in the auction of licenses for these services. For the auction of these licenses, the Commission defined a "small business" as an entity that, together with affiliates and controlling

interests, has average gross revenues for the three preceding years of not more than \$40 million. A "very small business" is defined as an entity that, together with affiliates and controlling interests, has average gross revenues for the three preceding years of not more than \$15 million. Pursuant to these definitions, 7 winning bidders claiming small and very small bidding credits won approximately 359 licenses. One of the winning bidders claiming a small business status classification in these Narrowband PCS license auctions had an active license as of December 2021.

67. In frequency bands where licenses were subject to auction, the Commission notes that, as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

68. *Wireless Communications Services*. Wireless Communications Services (WCS) can be used for a variety of fixed, mobile, radiolocation, and digital audio broadcasting satellite services. Wireless spectrum is made available and licensed for the provision of wireless communications services in several frequency bands subject to part 27 of the Commission's rules. Wireless Telecommunications Carriers (except Satellite) is the closest industry with an SBA small business size standard applicable to these services. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

69. The Commission's small business size standards with respect to WCS involve eligibility for bidding credits and installment payments in the auction of licenses for the various frequency bands included in WCS. When bidding credits are adopted for the auction of licenses in WCS frequency bands, such credits may be available to several types

of small businesses based average gross revenues (small, very small and entrepreneur) pursuant to the competitive bidding rules adopted in conjunction with the requirements for the auction and/or as identified in the designated entities section in part 27 of the Commission's rules for the specific WCS frequency bands.

70. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

71. *700 MHz Guard Band Licensees.* The 700 MHz Guard Band encompasses spectrum in 746–747/776–777 MHz and 762–764/792–794 MHz frequency bands. Wireless Telecommunications Carriers (except Satellite) is the closest industry with an SBA small business size standard applicable to licenses providing services in these bands. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

72. According to Commission data as of December 2021, there were approximately 224 active 700 MHz Guard Band licenses. The Commission's small business size standards with respect to 700 MHz Guard Band licensees involve eligibility for bidding credits and installment payments in the auction of licenses. For the auction of these licenses, the Commission defined a "small business" as an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding \$40 million for the preceding three years, and a "very small business" an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than \$15 million for the preceding three years. Pursuant to

these definitions, five winning bidders claiming one of the small business status classifications won 26 licenses, and one winning bidder claiming small business won two licenses. None of the winning bidders claiming a small business status classification in these 700 MHz Guard Band license auctions had an active license as of December 2021.

73. In frequency bands where licenses were subject to auction, the Commission notes that, as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

74. *Lower 700 MHz Band Licensees.* The lower 700 MHz band encompasses spectrum in the 698–746 MHz frequency bands. Permissible operations in these bands include flexible fixed, mobile, and broadcast uses, including mobile and other digital new broadcast operation; fixed and mobile wireless commercial services (including frequency division duplex (FDD)- and time division duplex (TDD)-based services); as well as fixed and mobile wireless uses for private, internal radio needs, two-way interactive, cellular, and mobile television broadcasting services. Wireless Telecommunications Carriers (except Satellite) is the closest industry with an SBA small business size standard applicable to licenses providing services in these bands. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

75. According to Commission data as of December 2021, there were approximately 2,824 active Lower 700 MHz Band licenses. The Commission's small business size standards with respect to Lower 700 MHz Band licensees involve eligibility for bidding credits and installment payments in the

auction of licenses. For auctions of Lower 700 MHz Band licenses the Commission adopted criteria for three groups of small businesses. A very small business was defined as an entity that, together with its affiliates and controlling interests, has average annual gross revenues not exceeding \$15 million for the preceding three years, a small business was defined as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$40 million for the preceding three years, and an entrepreneur was defined as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$3 million for the preceding three years. In auctions for Lower 700 MHz Band licenses, 72 winning bidders claiming a small business classification won 329 licenses, 26 winning bidders claiming a small business classification won 214 licenses, and three winning bidders claiming a small business classification won all five auctioned licenses.

76. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

77. *Upper 700 MHz Band Licensees.* The upper 700 MHz band encompasses spectrum in the 746–806 MHz bands. Upper 700 MHz D Block licenses are nationwide licenses associated with the 758–763 MHz and 788–793 MHz bands. Permissible operations in these bands include flexible fixed, mobile, and broadcast uses, including mobile and other digital new broadcast operation; fixed and mobile wireless commercial services (including FDD- and TDD-based services); as well as fixed and mobile wireless uses for private, internal radio needs, two-way interactive, cellular, and mobile television broadcasting services. Wireless Telecommunications Carriers (except Satellite) is the closest industry with an SBA small business size standard applicable to licenses providing services in these bands. The

SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of that number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

78. According to Commission data as of December 2021, there were approximately 152 active Upper 700 MHz Band licenses. The Commission's small business size standards with respect to Upper 700 MHz Band licensees involve eligibility for bidding credits and installment payments in the auction of licenses. For the auction of these licenses, the Commission defined a "small business" as an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding \$40 million for the preceding three years, and a "very small business" as an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than \$15 million for the preceding three years. Pursuant to these definitions, three winning bidders claiming very small business status won five of the 12 available licenses.

79. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

80. *Advanced Wireless Services (AWS)*—(1710–1755 MHz and 2110–2155 MHz bands (AWS-1); 1915–1920 MHz, 1995–2000 MHz, 2020–2025 MHz and 2175–2180 MHz bands (AWS-2); 2155–2175 MHz band (AWS-3); 2000–2020 MHz and 2180–2200 MHz (AWS-4)). Spectrum is made available and licensed in these bands for the provision of various wireless communications services. Wireless Telecommunications Carriers (except Satellite) is the closest industry with an SBA small business size standard applicable to these

services. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

81. According to Commission data as of December 2021, there were approximately 4,472 active AWS licenses. The Commission's small business size standards with respect to AWS involve eligibility for bidding credits and installment payments in the auction of licenses for these services. For the auction of AWS licenses, the Commission defined a small business as an entity with average annual gross revenues for the preceding three years not exceeding \$40 million, and a "very small business" as an entity with average annual gross revenues for the preceding three years not exceeding \$15 million. Pursuant to these definitions, 57 winning bidders claiming status as small or very small businesses won 215 of 1,087 licenses. In the most recent auction of AWS licenses 15 of 37 bidders qualifying for status as small or very small businesses won licenses.

82. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

83. *Broadband Radio Service and Educational Broadband Service.* Broadband Radio Service systems, previously referred to as Multipoint Distribution Service (MDS) and Multichannel Multipoint Distribution Service (MMDS) systems, and "wireless cable," transmit video programming to subscribers and provide two-way high speed data operations using the microwave frequencies of the Broadband Radio Service (BRS) and Educational Broadband Service (EBS) (previously referred to as the

Instructional Television Fixed Service (ITFS)). Wireless cable operators that use spectrum in the BRS often supplemented with leased channels from the EBS, provide a competitive alternative to wired cable and other multichannel video programming distributors. Wireless cable programming to subscribers resembles cable television, but instead of coaxial cable, wireless cable uses microwave channels.

84. In light of the use of wireless frequencies by BRS and EBS services, the closest industry with an SBA small business size standard applicable to these services is Wireless Telecommunications Carriers (except Satellite). The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

85. According to Commission data as of December 2021, there were approximately 5,869 active BRS and EBS licenses. The Commission's small business size standards with respect to BRS involves eligibility for bidding credits and installment payments in the auction of licenses for these services. For the auction of BRS licenses, the Commission adopted criteria for three groups of small businesses. A very small business is an entity that, together with its affiliates and controlling interests, has average annual gross revenues exceed \$3 million and did not exceed \$15 million for the preceding three years, a small business is an entity that, together with its affiliates and controlling interests, has average gross revenues exceed \$15 million and did not exceed \$40 million for the preceding three years, and an entrepreneur is an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$3 million for the preceding three years. Of the ten winning bidders for BRS licenses, two bidders claiming the small business status won 4 licenses, one bidder claiming the very small business status won three licenses and two bidders claiming entrepreneur status won six licenses. One of the winning bidders claiming a small business status classification in the BRS license auction has an active license as of December 2021.

86. The Commission's small business size standards for EBS define a small

business as an entity that, together with its affiliates, its controlling interests and the affiliates of its controlling interests, has average gross revenues that are not more than \$55 million for the preceding five years, and a very small business is an entity that, together with its affiliates, its controlling interests and the affiliates of its controlling interests, has average gross revenues that are not more than \$20 million for the preceding five years. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

87. The Educational Broadcasting Services. Cable-based educational broadcasting services fall under the broad category of the Wired Telecommunications Carriers industry. The Wired Telecommunications Carriers industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including Voice over Internet Protocol (VoIP) services; wired (cable) audio and video programming distribution; and wired broadband internet services.

88. The SBA small business size standard for this industry classifies businesses having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this total, 2,964 firms operated with fewer than 250 employees. Thus, under this size standard, the majority of firms in this industry can be considered small. Additionally, according to Commission

data as of December 2021, there were 4,477 active EBS licenses. The Commission estimates that the majority of these licenses are held by non-profit educational institutions and school districts and are likely small entities.

89. Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing. This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are: transmitting and receiving antennas, cable television equipment, Global Positioning System (GPS) equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment. The SBA small business size standard for this industry classifies businesses having 1,250 employees or less as small. U.S. Census Bureau data for 2017 show that there were 656 firms in this industry that operated for the entire year. Of this number, 624 firms had fewer than 250 employees. Thus, under the SBA size standard, the majority of firms in this industry can be considered small.

90. Software Publishers. This industry comprises establishments primarily engaged in computer software publishing or publishing and reproduction. Establishments in this industry carry out operations necessary for producing and distributing computer software, such as designing, providing documentation, assisting in installation, and providing support services to software purchasers. These establishments may design, develop, and publish, or publish only. The SBA small business size standard for this industry classifies businesses having annual receipts of \$41.5 million or less as small. U.S. Census Bureau data for 2017 indicate that 7,842 firms in this industry operated for the entire year. Of this number 7,226 firms had revenue of less than \$25 million. Based on this data, we conclude that a majority of firms in this industry are small.

91. Noncommercial Educational (NCE) and Public Broadcast Stations. Noncommercial educational broadcast stations and public broadcast stations are television or radio broadcast stations which under the Commission's rules are eligible to be licensed by the Commission as a noncommercial educational radio or television broadcast station and are owned and operated by a public agency or nonprofit private foundation, corporation, or association; or are owned and operated by a municipality which transmits only

noncommercial programs for education purposes.

92. The SBA small business size standards and U.S. Census Bureau data classify radio stations and television broadcasting separately and both categories may include both noncommercial and commercial stations. The SBA small business size standard for both radio stations and television broadcasting classify firms having \$47 million or less in annual receipts as small. For Radio Stations, U.S. Census Bureau data for 2017 show that 1,879 of the 2,963 firms that operated during that year had revenue of less than \$25 million per year. For Television Broadcasting, U.S. Census Bureau data for 2017 show that 657 of the 744 firms that operated for the entire year had revenue of less than \$25,000,000. While the U.S. Census Bureau data does not indicate the number of non-commercial stations, we estimate that under the applicable SBA size standard the majority of noncommercial educational broadcast stations and public broadcast stations are small entities. According to Commission data as of March 31, 2024, there were 4,703 licensed noncommercial educational radio and television stations. In addition, the Commission estimates as March 31, 2024, there were 383 licensed NCE television stations, 379 Class A TV stations, 1,829 low power TV (LPTV) stations, and 3,118 TV translator stations. The Commission does not compile and otherwise does not have access to financial information for these stations that permit it to determine how many stations qualify as small entities under the SBA small business size standards. However, given the nature of these services, we will presume that all noncommercial educational and public broadcast stations qualify as small entities under the above SBA small business size standards.

93. Radio Stations. This industry is comprised of "establishments primarily engaged in broadcasting aural programs by radio to the public." Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA small business size standard for this industry classifies firms having \$47 million or less in annual receipts as small. U.S. Census Bureau data for 2017 show that 2,963 firms operated in this industry during that year. Of this number, 1,879 firms operated with revenue of less than \$25 million per year. Based on this data and the SBA's small business size standard, we estimate a majority of such entities are small entities.

94. The Commission estimates that as of June 30, 2024, there were 4,413 licensed commercial AM radio stations and 6,620 licensed commercial FM radio stations, for a combined total of 11,033 commercial radio stations. Of this total, 11,032 stations (or 99.99%) had revenues of \$47 million or less in 2023, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Database (BIA) on July 3, 2024, and therefore these licensees qualify as small entities under the SBA definition. In addition, the Commission estimates that as of June 30, 2024, there were 4,356 NCE FM radio stations, 1,965 low power FM (LPFM) stations, and 8,906 FM translators and boosters. The Commission however does not compile, and otherwise does not have access to financial information for these radio stations that would permit it to determine how many of these stations qualify as small entities under the SBA small business size standard. Nevertheless, given the SBA's large annual receipts threshold for this industry and the nature of radio station licensees, we presume that all of these entities qualify as small entities under the above SBA small business size standard.

95. We note, however, that in assessing whether a business concern qualifies as "small" under the above definition, business (control) affiliations must be included. Our estimate, therefore, likely overstates the number of small entities that might be affected by our action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, another element of the definition of "small business" requires that an entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific radio or television broadcast station is dominant in its field of operation. Accordingly, the estimate of small businesses to which the rules may apply does not exclude any radio or television station from the definition of a small business on this basis and is therefore possibly over-inclusive. An additional element of the definition of "small business" is that the entity must be independently owned and operated. Because it is difficult to assess these criteria in the context of media entities, the estimate of small businesses to which the rules may apply does not exclude any radio or television station from the definition of a small business on this basis and similarly may be over-inclusive.

96. *FM Translator Stations and Low-Power FM Stations.* FM translators and

Low Power FM Stations are classified in the industry for Radio Stations. The Radio Stations industry comprises establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA small business size standard for this industry classifies firms having \$47 million or less in annual receipts as small. U.S. Census Bureau data for 2017 show that 2,963 firms operated during that year. Of that number, 1,879 firms operated with revenue of less than \$25 million per year. Therefore, based on the SBA's size standard we conclude that the majority of FM Translator stations and Low Power FM Stations are small. Additionally, according to Commission data, as of March 31, 2024, there were 8,913 FM Translator Stations and 1,960 Low Power FM licensed broadcast stations. The Commission however does not compile and otherwise does not have access to information on the revenue of these stations that would permit it to determine how many of the stations would qualify as small entities. For purposes of this regulatory flexibility analysis, we presume the majority of these stations are small entities.

97. *Television Broadcasting.* This industry is comprised of "establishments primarily engaged in broadcasting images together with sound." These establishments operate television broadcast studios and facilities for the programming and transmission of programs to the public. These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA small business size standard for this industry classifies businesses having \$47 million or less in annual receipts as small. 2017 U.S. Census Bureau data indicate that 744 firms in this industry operated for the entire year. Of that number, 657 firms had revenue of less than \$25,000,000. Based on this data we estimate that the majority of television broadcasters are small entities under the SBA small business size standard.

98. As of June 30, 2024, there were 1,384 licensed commercial television stations. Of this total, 1,307 stations (or 94.4%) had revenues of \$47 million or less in 2023, according to Commission staff review of the BIA on July 3, 2024, and therefore these licensees qualify as small entities under the SBA definition. In addition, the Commission estimates

as of June 30, 2024, there were 382 licensed NCE television stations, 379 Class A TV stations, 1,821 LPTV stations, and 3,100 TV translator stations. The Commission, however, does not compile and otherwise does not have access to financial information for these television broadcast stations that would permit it to determine how many of these stations qualify as small entities under the SBA small business size standard. Nevertheless, given the SBA's large annual receipts threshold for this industry and the nature of these television station licensees, we presume that all of these entities qualify as small entities under the above SBA small business size standard.

99. *Cable and Other Subscription Programming.* The U.S. Census Bureau defines this industry as establishments primarily engaged in operating studios and facilities for the broadcasting of programs on a subscription or fee basis. The broadcast programming is typically narrowcast in nature (e.g., limited format, such as news, sports, education, or youth-oriented). These establishments produce programming in their own facilities or acquire programming from external sources. The programming material is usually delivered to a third party, such as cable systems or direct-to-home satellite systems, for transmission to viewers. The SBA small business size standard for this industry classifies firms with annual receipts less than \$41.5 million as small. Based on U.S. Census Bureau data for 2017, 378 firms operated in this industry during that year. Of that number, 149 firms operated with revenue of less than \$25 million a year and 44 firms operated with revenue of \$25 million or more. Based on this data, the Commission estimates that the majority of firms operating in this industry are small.

100. *Cable System Operators (Rate Regulation Standard).* The Commission has developed its own small business size standard for the purpose of cable rate regulation. Under the Commission's rules, a "small cable company" is one serving 400,000 or fewer subscribers nationwide. Based on industry data, there are about 420 cable companies in the U.S. Of these, only seven have more than 400,000 subscribers. In addition, under the Commission's rules, a "small system" is a cable system serving 15,000 or fewer subscribers. Based on industry data, there are about 4,139 cable systems (headends) in the U.S. Of these, about 639 have more than 15,000 subscribers. Accordingly, the Commission estimates that the majority of cable companies and cable systems are small.

101. *Cable System Operators (Telecom Act Standard)*. The Communications Act of 1934, as amended, contains a size standard for a “small cable operator,” which is “a cable operator that, directly or through an affiliate, serves in the aggregate fewer than one percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed \$250,000,000.” For purposes of the Telecom Act Standard, the Commission determined that a cable system operator that serves fewer than 498,000 subscribers, either directly or through affiliates, will meet the definition of a small cable operator. Based on industry data, only six cable system operators have more than 498,000 subscribers. Accordingly, the Commission estimates that the majority of cable system operators are small under this size standard. We note however, that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed \$250 million. Therefore, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

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

103. *All Other Telecommunications*. This industry is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Providers of internet services (e.g. dial-up ISPs) or VoIP services, via client-supplied telecommunications connections are also included in this industry. The SBA small business size standard for this industry classifies firms with annual receipts of \$40 million or less as small. U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year. Of those firms, 1,039 had revenue of less than \$25 million. Based on this data, the Commission estimates that the majority of “All Other Telecommunications” firms can be considered small.

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

105. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that 3,054 firms operated in this industry for the entire year. Of this number, 2,964 firms

operated with fewer than 250 employees. Based on this data, the majority of firms in this industry can be considered small under the SBA small business size standard. According to Commission data however, only two entities provide DBS service—DIRECTV (owned by AT&T) and DISH Network, which require a great deal of capital for operation. DIRECTV and DISH Network both exceed the SBA size standard for classification as a small business. Therefore, we must conclude based on internally developed Commission data, in general DBS service is provided only by large firms.

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

106. The *Order* will impose new or additional reporting, recordkeeping, and/or other compliance obligations on small entities, including EAS Participants that choose to use the new MEP code, and small EAS equipment manufacturers. As proposed in the *MEP NPRM*, use of the MEP event code for EAS is voluntary. The Commission allows a period of 12 months from publication of the Report and Order in the **Federal Register** to enable the delivery of Ashanti Alerts over EAS, and 12 months from publication of the Report and Order in the **Federal Register** to enable the delivery of Ashanti Alerts over WEA. This will allow time for the equipment manufacturers and CMSPs to prepare their equipment and networks to be able to process Ashanti Alerts sent over EAS and WEA. This will also allow EAS Participants and other stakeholders to acquire the training and resources to deliver Ashanti Alerts to the public.

107. The Commission finds that most of the potential costs of implementation arise from software updates made outside of the normal course of planned upgrades and estimate that a dedicated Ashanti Alert EAS event code would not exceed a one-time \$12 million implementation cost. The main cost is to EAS Participants, in that those who elect to install the MEP alert code will bear the cost involved in downloading the software updates into their devices, and any associated clerical work. The Commission minimizes additional costs by allowing sufficient time and flexibility so that manufacturers and EAS Participants may make upgrades in tandem with general software upgrades installed during the regular course of business. This approach will significantly reduce the costs to small entities as well as to other EAS Participants, which fosters greater support for the MEP alerts and ensures

that more alerts about missing and endangered person are transmitted by EAS Participants over time. As noted above, the *Order* permits transmission of MEP Alerts over WEA using an existing WEA message classification.

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

108. The RFA requires an agency to provide “a description of the steps the agency has taken to minimize the significant economic impact on small entities . . . including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.”

109. As mentioned above, the *Order* adopts “MEP” as a new EAS event code for Ashanti Alerts, and requires implementation by small and other participating EAS Participants and CMRS Providers on a voluntary basis through equipment already in place, which will require a software upgrade. Among the alternatives presented in the *MEP NPRM* was whether there are existing EAS event codes that could effectively transmit Ashanti Alerts. The Commission determined that existing EAS event codes are either unavailable for missing and endangered adults or do not effectively identify Ashanti Alerts to the public. The Commission also considered a Tribal-specific MIP event code, however the Commission did not adopt this alternative because there is greater support for the MEP EAS code. In considering ways to minimize costs to EAS Participants associated with implementing the codes, the Commission anticipates compliance costs will be limited to the cost of labor for downloading software updates, which may be completed during the regular course of business.

G. Report to Congress

110. The Commission will send a copy of the *Order*, including the FRFA, in a report to Congress pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the *Order*, including the FRFA, to the Chief Counsel for Advocacy of the SBA. A copy of the *Order*, and FRFA (or summaries thereof) will also be published in the **Federal Register**.

V. Ordering Clauses

111. Accordingly, *it is ordered* that, pursuant to sections 1, 4(i), 4(n), 303(r), 303(v), 624(g), and 706 of the

Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(n), 303(r), 303(v), 544(g), 606, the Report and Order *is adopted*.

112. *It is further ordered* that the Commission’s rules *are hereby amended* as set forth in Appendix A of the Order.

113. *It is further ordered* that the rules and requirements adopted herein, including at Appendix A of the Order, to enable the delivery of missing and endangered person alerts over EAS *will become effective* 12 months from the date of publication in the **Federal Register**.

114. *It is further ordered* that the rules and requirements adopted herein, including at Appendix A of the Order, to enable the delivery of missing and endangered person alerts over WEA *will become effective* 12 months from the date of publication in the **Federal Register**.

115. *It is further ordered* that the Office of the Managing Director, Performance Program Management, *shall send* a copy of the Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A).

116. *It is further ordered* that the Commission’s Office of Secretary *shall send* a copy of the Report and Order, including the Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 11

Radio, Television.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 11 as follows:

PART 11—EMERGENCY ALERT SYSTEM (EAS)

- 1. The authority citation for part 11 is revised to read as follows:

Authority: 47 U.S.C. 151, 154 (i) and (n), 303(r), 544(g), 606, 1201, and 1206.

- 2. Amend § 11.31 by:
 - a. Designating the table in paragraph (d)(1) as table 1 to paragraph (d)(1);
 - b. Designating the table in paragraph (e) as table 2 to paragraph (e);
 - c. Revising newly designated table 2 to paragraph (e); and
 - d. Designating the table in paragraph (f) as table 3 to paragraph (f).

The revision reads as follows:

§ 11.31 EAS protocol.

* * * * *

(e) * * *

TABLE 2 TO PARAGRAPH (e)

Nature of activation	Event codes
National Codes (Required):	
Emergency Action Notification (National only)	EAN.
National Information Center	NIC.
National Periodic Test	NPT.
Required Monthly Test	RMT.
Required Weekly Test	RWT.
State and Local Codes (Optional):	
Administrative Message	ADR.
Avalanche Warning	AVW.
Avalanche Watch	AVA.
Blizzard Warning	BZW.
Blue Alert	BLU.
Child Abduction Emergency	CAE.
Civil Danger Warning	CDW.
Civil Emergency Message	CEM.
Coastal Flood Warning	CFW.
Coastal Flood Watch	CFA.
Dust Storm Warning	DSW.
Earthquake Warning	EQW.
Evacuation Immediate	EVI.
Extreme Wind Warning	EWV.
Fire Warning	FRW.
Flash Flood Warning	FFW.
Flash Flood Watch	FFA.
Flash Flood Statement	FFS.
Flood Warning	FLW.
Flood Watch	FLA.
Flood Statement	FLS.
Hazardous Materials Warning	HMW.
High Wind Warning	HWW.
High Wind Watch	HWA.
Hurricane Warning	HUW.
Hurricane Watch	HUA.
Hurricane Statement	HLS.
Law Enforcement Warning	LEW.
Local Area Emergency	LAE.
Missing and Endangered Persons	MEP.
Network Message Notification	NMN.
911 Telephone Outage Emergency	TOE.
Nuclear Power Plant Warning	NUW.
Practice/Demo Warning	DMO.
Radiological Hazard Warning	RHW.
Severe Thunderstorm Warning	SVR.
Severe Thunderstorm Watch	SVA.
Severe Weather Statement	SVS.
Shelter in Place Warning	SPW.
Special Marine Warning	SMW.
Special Weather Statement	SPS.
Storm Surge Watch	SSA.
Storm Surge Warning	SSW.
Tornado Warning	TOR.
Tornado Watch	TOA.
Tropical Storm Warning	TRW.
Tropical Storm Watch	TRA.
Tsunami Warning	TSW.
Tsunami Watch	TSA.
Volcano Warning	VOW.
Winter Storm Warning	WSW.
Winter Storm Watch	WSA.

* * * * *

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 24–152; RM–11982; DA 24–870; FR ID 242482]

**Television Broadcasting Services
Boise, Idaho**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On June 24, 2024, the Video Division, Media Bureau (Bureau), issued a notice of proposed rulemaking in response to a Petition for Rulemaking filed by King Broadcasting Company (Petitioner or King Broadcasting), the licensee of KTVB, channel 7, Boise, Idaho (Station or KTVB). The Petitioner requested the substitution of channel 23 for channel 7 at Boise, Idaho (Boise), in the Table of TV Allotments. TEGNA, Inc., on behalf of its wholly owned subsidiary, King Broadcasting, filed comments in support of the Petition, as required by the Commission’s rules (rules), reaffirming King Broadcasting’s commitment to apply for channel 23. The Bureau concludes that the public interest would be served by substituting channel 23 for channel 7 at Boise.

DATES: Effective September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, Media Bureau, at (202) 418–1647 or Joyce.Bernstein@fcc.gov.

SUPPLEMENTARY INFORMATION: The proposed rule was published at 89 FR 52430 on June 24, 2024. The Petitioner filed comments in support of the petition reaffirming its commitment to apply for channel 23. No other comments were filed.

The Bureau concludes that the public interest would be served by substituting channel 23 for channel 7 at Boise. According to the Petitioner, the channel change will resolve persistent reception complaints it has received from viewers, and substantially improve the community’s access to the Station’s local news, emergency information, and entertainment programming. The Petitioner states that the Commission has recognized that VHF channels have certain characteristics that pose challenges for their use in providing digital television service, including propagation characteristics that allow undesired signals and noise to be receivable at relatively far distances. Additionally, the Petitioner notes that the Commission has observed the large variability in the performance of indoor antennas available to consumers, with most antennas receiving “fairly well at

UHF and the substantial majority not so well to very poor at high-VHF.” An engineering statement provided by the Petitioner confirms that the proposed channel 23 contour would provide full principal community coverage to Boise and would not cause impermissible interference to any station. In addition, the proposed channel 23 facility will not result in any loss of service to existing viewers within the Station’s noise limited service contour.

As proposed, we find that channel 23 can be substituted for channel 7 at Boise in compliance with the principal community coverage requirements of § 73.618(a) of the rules, at coordinates 43–45’–15.6” N and 116–05’–59.4” W. In addition, we find that this channel substitution meets the technical requirements set forth in § 73.622(a) of the rules.

We also conclude that good cause exists to make this channel change effective immediately upon publication in the **Federal Register**, pursuant to section 553(d)(3) of the Administrative Procedure Act. An expedited effective date is necessary in this case to ensure that KTVB can operate with improved service to its viewers as quickly as possible.

This is a synopsis of the Commission’s *Report and Order*, MB Docket No. 24–152; RM–11982; DA 24–870, adopted August 28, 2024, and released August 28, 2024. The full text of this document is available for download at <https://www.fcc.gov/edocs>. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

The Commission will send a copy of the *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,
Chief of Staff, Media Bureau.

Final Rule

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. In § 73.622(j), amend the Table of TV Allotments, under Idaho by revising the entry for Boise to read as follows:

§ 73.622 Digital television table of allotments.

*	*	*	*	*
(j) * * *				
Community			Channel No.	
*	*	*	*	*
Idaho				
Boise			15, 20, *	*21, 23
*	*	*	*	*
*	*	*	*	*

[FR Doc. 2024–20120 Filed 9–5–24; 8:45 am]
BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 24–153; RM–11983; DA 24–865; FR ID 242165]

**Television Broadcasting Services
Augusta, Georgia**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On June 24, 2024, the Video Division, Media Bureau (Bureau), issued a notice of proposed rulemaking in response to a Petition for Rulemaking filed by Gray Television Licensee, LLC (Gray), the licensee of WRDW–TV (Station or WRDW–TV), Augusta, Georgia (Augusta). Gray requested amendment of the Table of TV Allotments to substitute channel 12 for channel 27. Gray filed comments in support of the Petition, as required by the Commission’s rules (rules), reaffirming its interest in the proposed channel substitution and that it will

promptly file an application seeking authorization on channel 12. The Bureau concludes that the public interest would be served by substituting channel 12 for channel 27 at Augusta.

DATES: Effective October 7, 2024.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, Media Bureau, at (202) 418-1647 or Joyce.Bernstein@fcc.gov.

SUPPLEMENTARY INFORMATION: The proposed rule was published at 89 FR 52431 on June 24, 2024. The Petitioner filed comments in support of the petition reaffirming its commitment to apply for channel 12. No other comments were filed.

The Bureau concludes that the public interest would be served by substituting channel 12 for channel 27 at Augusta. On May 15, 2021, the Bureau granted a petition for rulemaking submitted by Gray to substitute channel 27 for channel 12 at Augusta for WRDW-TV. Gray was also granted a construction permit to construct a facility on channel 27 at Augusta, but was unable complete construction of the channel 27 facility by the expiration date—June 25, 2024. Thus, Gray requested amendment of the Table of TV Allotments to allow it to continue to operate pursuant to the parameters of its current license on channel 12, and the substitution of channel 12 for channel 27 in the TV Table of Allotments would allow the Station to remain on the air and continue to provide service to viewers within its service area.

Gray proposed to utilize its currently licensed parameters and as such we find that channel 12 can be substituted for channel 27 at Augusta as proposed, in compliance with the principal community coverage requirements of § 73.618(a) of the rules, at coordinates 33-24'-37" N and 081-50'-36.0" W. In addition, we find that this channel substitution meets the technical requirements set forth in § 73.622(a) of the rules.

This is a synopsis of the Commission's *Report and Order*, MB Docket No. 24-153; RM-11983; DA 24-865, adopted August 27, 2024, and released August 27, 2024. The full text of this document is available for download at <https://www.fcc.gov/edocs>. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition,

therefore, it does not contain any information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601-612, do not apply to this proceeding.

The Commission will send a copy of the *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,
Chief of Staff, Media Bureau.

Final Rule

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. In § 73.622(j), amend the Table of TV Allotments, under Georgia, by revising the entry for Augusta to read as follows:

§ 73.622 Digital television table of allotments.

*	*	*	*	*
(j)	*	*	*	*
Community	Channel No.			
*	*	*	*	*
Georgia				
*	*	*	*	*
Augusta	12, 28, 36			
*	*	*	*	*

* * * * *
[FR Doc. 2024-20102 Filed 9-5-24; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS-R2-ES-2022-0115; FXES1113090FEDR-245-FF09E22000]

RIN 1018-BG94

Endangered and Threatened Wildlife and Plants; Removal of the Apache Trout From the List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service or USFWS), are removing the Apache trout (*Oncorhynchus apache*), a fish native to Arizona, from the Federal List of Endangered and Threatened Wildlife. Our review indicates that the threats to the Apache trout have been eliminated or reduced to the point that the species no longer meets the definition of an endangered or threatened species under the Endangered Species Act of 1973, as amended (Act). Accordingly, the prohibitions and conservation measures provided by the Act, particularly through section 4 and 7, will no longer apply to the Apache trout.

DATES: This rule is effective October 7, 2024.

ADDRESSES: The proposed rule and this final rule, the post-delisting monitoring plan, the comments we received on the proposed rule, and supporting documents are available at <https://www.regulations.gov> under Docket No. FWS-R2-ES-2022-0115.

FOR FURTHER INFORMATION CONTACT: Heather Whitlaw, Field Supervisor, Arizona Ecological Services Office, U.S. Fish and Wildlife Service, 9828 North 31st Ave #C3, Phoenix AZ 85051-2517; telephone 602-242-0210, incomingAZcorr@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. Under the Act, a species warrants removal from the Federal Lists of Endangered and Threatened Wildlife and Plants if it

no longer meets the definition of an endangered species (in danger of extinction throughout all or a significant portion of its range) or a threatened species (likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range). The Apache trout is listed as threatened, and we are delisting it because we have determined it does not meet the Act's definition of an endangered or threatened species. Delisting a species can be completed only by issuing a rule through the Administrative Procedure Act rulemaking process (5 U.S.C. 551 *et seq.*).

What this document does. This rule removes the Apache trout from the List of Endangered and Threatened Wildlife (List) due to the species' recovery.

The basis for our action. Under the Act, we may determine that a species is an endangered species or a threatened species because of any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. The determination to delist a species must be based on an analysis of the same factors.

Under the Act, we must review the status of all listed species at least once every five years. We must delist a species if we determine, on the basis of the best available scientific and commercial data, that the species is neither a threatened species nor an endangered species. Our regulations at 50 CFR 424.11(e) identify four reasons why we might determine a species shall be delisted: (1) The species is extinct, (2) the species has recovered to the point at which it no longer meets the definition of an endangered species or a threatened species, (3) new information that has become available since the original listing decision shows the listed entity does not meet the definition of an endangered species or a threatened species, or (4) new information that has become available since the original listing decision shows the listed entity does not meet the definition of a species. Here, we have determined that the Apache trout has recovered to the point at which it no longer meets the definition of an endangered species or a threatened species; therefore, we are delisting it.

Specifically, our analysis indicates that the Apache trout now consists of multiple, sufficiently resilient

populations across subbasins encompassing a large percentage of the species' historical range. Due to conservation efforts undertaken to date, the Apache trout now encompasses 30 confirmed genetically pure populations across 3 basins and 6 subbasins. Twenty-five of the 30 pure populations of Apache trout are located in whole (22) or in part (3) on Tribal lands, where longstanding policy has and will continue to result in significant protections of the watersheds and these populations.

We consider the Apache trout to be a conservation-reliant species, which we define in this case as a species that has met recovery criteria but requires continued active management to sustain the species and associated habitat in a recovered condition (see Scott et al. 2010, entire), given that the Apache trout requires active management to maintain suitable habitat. To address this management need for conservation activities to address long-term management of this species, the Arizona Game and Fish Department (AZGFD), White Mountain Apache Tribe (WMAT), the U.S. Forest Service (USFS), Trout Unlimited, and the Service developed, and are implementing, the Apache trout Cooperative Management Plan (CMP; USFWS 2021, entire) and are committed to the continuing long-term management of this species. Management of conservation barriers and removal of nonnative trout following the CMP, which will not be impacted by this delisting determination, will ensure that the Apache trout maintains sufficient resiliency, redundancy, and representation to maintain viability into the future.

Previous Federal Actions

Please refer to the proposed rule to delist the Apache trout published on August 11, 2023, (88 FR 54548) for a detailed description of previous Federal actions concerning this species.

Peer Review

A species status assessment (SSA) team prepared an SSA report for the Apache trout (USFWS 2022a, entire). The SSA team was composed of Service biologists, in consultation with other species experts from WMAT, AZGFD, USFS, and Trout Unlimited. The SSA report represents a compilation of the best scientific and commercial data available concerning the status of the species, including the impacts of past, present, and future factors (both negative and beneficial) affecting the species.

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review of listing and recovery actions under the Act, we solicited independent scientific review of the information contained in the Apache trout SSA report. As discussed in the proposed rule, we sent the SSA report to three independent peer reviewers and received three responses. The peer reviews can be found at <https://www.regulations.gov>. In preparing the proposed rule, we incorporated the results of these reviews, as appropriate, into the SSA report, which was the foundation for the proposed rule and this final rule. A summary of the peer review comments and our responses can be found in the proposed rule (88 FR 54548; August, 11, 2023).

Summary of Changes From the Proposed Rule

In preparing this final rule, we reviewed and fully considered all comments we received during the comment period from the peer reviewers and the public on the proposed rule to reclassify the Apache trout. Minor, nonsubstantive changes and clarifications were made to the SSA report and this final rule in response to comments. The information we received during the peer review and public comment period on the proposed rule did not change our analysis, rationale, or determination for delisting the Apache trout. Below is a summary of the clarifications made in this final rule.

(1) We made revisions to the *Recovery Plan Implementation*, below, to provide more clarity on various management and conservation actions that have been taken to benefit the Apache trout. With regard to management of the Apache trout and Apache trout habitat, we clarified that: projects on Apache Sitgreaves National Forest (ASNF) lands require National Environmental Policy Act review; and the WMAT, AZGFD, ASNF, USFWS, and Trout Unlimited are all signatories to the 2021 Apache Trout Cooperative Management Plan (USFWS 2021, entire).

(2) We included recent confirmation of the one population listed as "pure-suspected" in the SSA report. This population has been analyzed and was found to be genetically pure since the publication of the proposed rule on August 11, 2023 (88 FR 54548) (Mussmann 2024, pers. comm.).

(3) We noted "put-and-take opportunities" provided by AZGFD and WMAT that are intended to generate

public support for Apache trout recovery.

(4) We clarified that Apache trout recovery streams on Tribal lands have not and will not be opened for angling in the future according to longstanding Tribal policy.

(5) Finally, we included information on our post-delisting monitoring (PDM) plan (Dauwalter et al. 2024, entire) that will start once the Apache trout is delisted. This plan will be managed and adhered to by the Service and its partners for at least 10 years. Specifically, the PDM plan prescribes for monitoring of Apache trout abundance and for ongoing assessments of conservation barrier effectiveness.

Summary of Comments and Recommendations

In the proposed rule published on August 11, 2023 (88 FR 54548), we requested that all interested parties submit written comments on the proposal by October 10, 2023. We also contacted appropriate Federal and State agencies, Tribal entities, scientific experts and organizations, and other interested parties and invited them to comment on the proposal. A newspaper notice inviting general public comment was published in the White Mountain Independent on August 18, 2023. We did not receive any requests for a public hearing. All substantive information received during the comment period has either been incorporated directly into this final determination or is addressed below.

Public Comments

We reviewed all public comments for substantive issues and new information regarding the species. Substantive comments we received during the comment period are addressed below.

(1) *Comment:* Three commenters expressed opposition to delisting the Apache trout based on the projected effects of climate change and associated effects on Apache trout habitat. The noted effects include reduced habitat suitability, diminished stream volume, and less precipitation. Two commenters cited recent peer-reviewed published projections by Dauwalter (2023 et al., entire) that apply these effects specifically to Apache trout and regionally to the southwestern United States. The third commenter stated that the implication of warmer upstream temperatures being a benefit to Apache trout populations in those portions of streams was incorrect.

Our response: The SSA report examined in depth the effects of climate change and associated effects on Apache trout habitat and did not find these

effects to impact the resiliency of the species in the foreseeable future. Specifically, as we stated in the SSA report (USFWS 2022a, pp. 51, 135–140), the model suggests that most streams currently occupied by Apache trout, or those currently unoccupied but designated as recovery streams, are not temperature limited. Suitability only improves when 2080s projections of temperature alone are considered, because some headwater reaches appear to be too cold, currently, for occupancy. That is, cold temperatures can be limiting to Apache trout populations in some streams, and any warming may benefit them in headwater reaches—at least until the 2080s. It is only when future changes in precipitation are considered, as well, that habitat suitability decreases during the 2080s. Many habitat patches that are currently occupied by the species are projected to remain suitable into the 2080s, which suggests their resiliency is only limited by the size of the patch they currently occupy (Peterson et al. 2014, pp. 564–268; Isaak et al. 2015, pp. 2548–2551). In the Summary of Biological Status and Threats section of this final rule, we expanded our discussion of climate change as a threat.

In response to the reference to Dauwalter (2023, entire), we note that the cited manuscript was based on appendix C of the SSA report (USFWS 2022a, pp. 133–137) and was published by Apache trout SSA core team members following completion of the SSA report. Dauwalter et al. (2023, entire) noted that most Apache trout populations are isolated upstream of barriers to nonnative trout in stream reaches that are currently thermally suitable with respect to mean July temperatures and concluded those habitats would remain suitable into the 2080s. Cold headwater reaches are projected to warm, becoming more suitable in the 2080s. Thus, intentional isolation and the resultant truncated downstream distributions of Apache trout populations in headwater streams explain the nominal effect of projected temperature increases due to climate change on this cold-adapted salmonid. Standardized model parameters suggest that future declines in precipitation, manifested through reduced snowpack and its influence on streamflows, will play a larger role than temperature in the suitability—and, thus, resiliency—of Apache trout habitats at least into the 2080s.

(2) *Comment:* Two commenters stated that the delisting is premature because of impacts to Apache trout habitat caused by grazing by horses and livestock. Examples of these impacts

may include eroded soils and streambanks, damaged riparian vegetation, widening of streams, effects on water depth and temperature, and contamination of streams by fecal material. One commenter stated that current land management plans by the USFS are inadequate to address these impacts. They further identified the western Black River watershed as a particular location where severe stream degradation has occurred due to grazing by horses on Tribal land.

Our response: Stream habitat quality was assessed and classified in the Current Conditions section of the SSA report (USFWS 2022a, pp. 61–96) and these assessments considered and reflected impacts from stochastic events (e.g., wildfire) and a variety of anthropogenic factors (e.g., road crossings, developed floodplains, logging, animal use). The SSA report section on Future Conditions (USFWS 2022a, pp. 97–106) included analysis of future conditions from environmental change and management actions and the projected influences on the species' ability to sustain populations in the wild over defined timeframes. Thirty-seven distinct threat factors were considered in this analysis, with Apache trout experts considering continued conservation actions (e.g., barrier construction and maintenance, chemical and mechanical removal of invasive species, habitat restoration, watershed management) and wildfires as the most important factors affecting the future condition of the Apache trout.

Grazing management was ultimately ranked as the 14th most important factor affecting the future condition of Apache trout. There are few livestock grazing allotments associated with Apache trout recovery streams, and the USFS engages in active management to remove feral horses and stray cattle where they occur outside of authorized areas. There are areas where habitat quality has been degraded by legacy grazing and other anthropogenic factors, especially in sensitive wet meadow habitats. In addition, Apache trout recovery partners are currently pursuing funding to address degraded habitats with ungulate exclosure areas, riparian plantings, and instream habitat restoration projects. Current proposals are focused on the Black River and Little Colorado River watersheds along Burro, Centerfire, Hayground, and Thompson creeks and South Fork Little Colorado River. Funding has already been secured and projects begun on Boggy/Lofer and Flash creeks on Tribal lands. Additionally, it is important to emphasize that despite certain degraded habitats, due in part to possible

anthropogenic factors including grazing that have been in place since the species was listed, populations of the species have grown to meet the recovery criteria. Accordingly, we find that because the species met recovery criteria despite the effects of grazing activities, and because ongoing and future restoration projects and active grazing management will decrease the effects of this stressor in the future, delisting is not premature due to potential impacts of grazing.

(3) *Comment:* One commenter stated that populations under 500 individuals are at higher risk from demographic and genetic stochasticity, as well as stochastic events such as stream drying, fire, inbreeding, and low genetic variation.

Our response: The population estimates presented in the SSA report are strictly estimates of adult population size. Total population size estimates, which are available for some populations, are generally much larger than the estimates of adult population size presented in the SSA report. Although we contend that there is uncertainty about the exact threshold under which Apache trout populations are at higher risk from stochastic events, we generally agree with this comment, which is why this concept was discussed in the SSA report's Executive Summary section on resiliency (USFWS 2022a, p.7), as well as the sections on population size (USFWS 2022a, p.43), effective population size (USFWS 2022a, p.44), habitat connectivity and metapopulation dynamics (USFWS 2022a, p.45), habitat factors (USFWS 2022a, p.75), and population resiliency (USFWS 2022a, p.78).

(4) *Comment:* One commenter stated that the 30-year, 6-generation timeframe used for our future condition analysis is arbitrary and not based on anything biologically meaningful. They stated that we have used longer timeframes when analyzing the effects of climate change and other long-term impacts for other species' classification analyses.

Our response: The SSA framework documentation suggests that a meaningful timeframe should encompass multiple generations when considering a species' future condition and status (USFWS 2016, p. 18). We found that 30 years, or 6 generations of the Apache trout is a meaningful timeframe in which to analyze future condition because within this timeframe it is likely that the primary threats of nonnative trout and climate change will continue to be relevant to the species and it is biologically reasonable to assess the species' response to these threats within this timeframe. We have

a high level of confidence in the results of our analysis of these threats and responses within this timeframe, and our confidence in the results of an analysis extended beyond this timeframe decreases. Additionally, this timeframe allows us to reasonably forecast upcoming management activities as they will be implemented through the CMP.

(5) *Comment:* One commenter stated that the information and data we used to assess stream temperatures are outdated and that predicted higher stream temperatures will lead to an increase of invasive trout species in Apache trout streams.

Our response: We used the best available in situ temperature monitoring data collected by the Apache-Sitgreaves National Forests on Apache trout recovery streams (2013–2018) and a widely-used stream temperature model (NorWeST; Isaak et al. 2017, entire) that contained projections into the 2080s (GCM projections of a ten-model ensemble and A1B emissions scenario; Isaak et al. 2017) to understand future habitat suitability—an approach that was subjected to peer review and was published (Dauwalter et al. 2023, entire).

Thermal tolerances between trout species are similar, and recovery streams are suitable at this time and expected to remain so well into the future. We view invasive trout as one of the primary ongoing threats to this species and have developed short- and long-term plans, which are described in the CMP and Apache Trout Monitoring Plan, to monitor for and manage this threat long-term (Apache Trout CMP Workgroup 2021, entire; Dauwalter et al. 2024, entire). Since 2015, recovery partners have eradicated invasive trout in Crooked and Flash creeks, and likely eradicated them from Aspen (formerly Squaw) and Paradise creeks during 2022. Much progress has been made in suppressing brook trout in the upper West Fork Black River population area, and in 2023, YY-male brown trout stocking began to ensure success of this effort. Additional nonnative trout removal projects will begin as the ongoing projects are completed.

In addition to these projects, recovery partners are supporting efforts to develop a YY-male brown trout broodstock for future use in eradication projects. Construction of a new conservation barrier on Big Bonito Creek has begun, and engineering designs for new conservation barriers on Aspen, Crooked/Boggy/Lofer, Flash, Little Bonito, Little Diamond/Coyote, Ord, Paradise, and Wohlenberg creeks have been acquired or are expected to be

finalized during 2024. Finally, both the CMP and the Apache Trout Monitoring Plan (Apache Trout CMP Workgroup 2021, entire; Dauwalter et al. 2024, entire) detail our future invasive trout surveillance and Apache trout monitoring plans.

(6) *Comment:* One commenter stated that the SSA report indicates that 11 of 31 Apache trout streams lack evidence of hybridization with other trout species, however the proposed rule does not discuss this.

Our response: Table 11 in the SSA report (USFWS 2022a pp. 8–9) shows that 29 populations are “pure-tested” with another “pure-suspected.” Tissue samples from the “pure-suspected” population were collected and submitted for genetic analyses, and preliminary results indicate genetic purity of this population as well (Mussman pers. comm. 2024). Table 15 in the SSA report (USFWS 2022a, p. 104) also demonstrates the same information: there are 29 populations with a genetic score of 4 (pure-tested) and 1 with a score of 3 (pure-suspected). These are the 30 populations (now all confirmed to be pure) referenced throughout the SSA report, the 5-year status review, the proposed rule, and this final rule.

(7) *Comment:* One commenter stated that protection of Apache trout habitat in the West Fork of the Black River from exotic trout has not been accomplished as promised by the AZGFD and as required by the Central Arizona Project (CAP) settlement agreement. They indicated doubt that this protection would be accomplished by a conservation management plan.

Our response: The 2008 Reinitiated Biological Opinion on Transportation and Delivery of Central Arizona Project Water to the Gila River Basin in Arizona and New Mexico and its Potential to Introduce and Spread Nonindigenous Aquatic Species (USFWS 2008, entire) includes a list of barriers to be constructed by U.S. Bureau of Reclamation (Reclamation) and states: “Reclamation will construct a single fish barrier at these sites, of a design similar to those completed on Aravaipa, Sonoita, or Fossil Creeks. Siting and design will be subject to agreement between Reclamation and the Service, with appropriate review and input from AZGFD, the landowner, and experts on southwestern fishes, hydrology, and nonindigenous species invasions. Reclamation will maintain the barriers in good operating condition for the expected 100-year life of CAP. Management actions upstream of these barriers (e.g., stream renovation, species repatriation) will be the responsibility of

the Service or AZGFD but may be funded through the existing Fund Transfer Program. Reclamation or its designee will monitor fish populations upstream of each constructed barrier for a period of five years following construction, unless such monitoring is redundant to that conducted by other agencies. Monitoring is intended to evaluate the success of the barriers in preventing invasions of nonindigenous fishes.”

AZGFD is not required by the referenced agreement to eradicate invasive fish from West Fork Black River, but has been working with recovery partners to do so. They have been working with White Mountain Apache Tribe (WMAT) Game and Fish Department and the Service on intensive mechanical removal of brook trout in the West Fork Black River (upper) and Thompson Creek (upper) recovery population areas, and much progress has been made to eradicate them since 2021. These three recovery partners proposed chemical renovation of this system during 2022, but they changed approaches due to public concerns raised during meetings about the project. Brook trout are much less abundant in the West Fork Black River (upper) recovery area and have been eradicated from the Thompson Creek (upper) population area, following several years of intensive mechanical removal efforts (2021–present).

(8) *Comment:* Two commenters expressed concern over the effectiveness of protective barriers in keeping Apache trout populations free of nonnative trout. One commenter stated that all protective barriers would eventually be breached by exotic trout, and the other commenter stated that most Apache trout populations are isolated above protective barriers and are all at risk of invasion by invasive trout.

Our response: In the SSA report we discuss how fish passage barriers have long been used as a conservation tool to protect Apache trout populations from invading nonnative fishes that occur and are naturalized from historical stocking practices (Robinson et al. 2004, entire; Avenetti et al. 2006, entire). A short-term evaluation of effectiveness of barriers protecting Apache trout populations found that only 1 of 1,436 salmonids marked downstream were collected upstream of the evaluated barriers over a 3-year period. Despite short-term effectiveness, long-term evaluation was needed (Avenetti et al. 2006, entire). Maintenance on barriers is commonly conducted by managers when effectiveness is questionable due to physical integrity or flow patterns,

when channel migration compromises structural integrity, or for other reasons.

In addition, barrier design has sometimes been inadequate. Large trout have been observed jumping step pools associated with a 1-meter (m) barrier on Fish Creek during high flows, suggesting passage was likely at high flows and that the design was inadequate (Avenetti et al. 2006, pp. 214–215). Recent barrier assessment included an engineer review and design modification suggestions that have informed barrier modification and maintenance, and recent barriers have been designed to withstand higher flows to ensure protection of Apache trout populations above those barriers (AZGFD and USFWS 2015, entire). The SSA report shows that 19 of 30 pure populations are free of nonnative trout. However, considering recent apparent eradications in Aspen (pending) and Bear Wallow (confirmed) creeks, 21 populations are now free of nonnative trout. Conservation barriers have been critical to recovery of Apache trout and other native trout recovery efforts.

Brown trout were eradicated from Crooked Creek in 2015 after 13 years of mechanical removal effort. Although the barrier protecting that population has not been replaced or modified since, the Apache trout population above that site has remained free of brown trout and their abundance has increased 379 percent: adult Apache trout abundance was estimated at 301 adults in 2016 and 1,444 adults in 2023. Similarly, abundance of Apache trout in Paradise Creek increased from an estimated 11 adults in 2018 to 164 adults in 2023 concomitant with brown trout eradication efforts, and this population will be augmented with additional Apache trout from Deep Creek to address genetic concerns due to low population size around 2018. Finally, abundance of Apache trout in Bear Wallow Creek increased from an estimated 384 adults in 2020 to 1,542 adults in 2023 following nonnative trout eradication. It is impossible to overstate the importance of conservation barriers in nonnative trout management within the context of native trout recovery efforts in the West. Recovery partners have demonstrated over the last two decades that they understand how to build and maintain durable conservation barriers and address nonnative trout invasions when they occur.

(9) *Comment:* One commenter stated that, in general, current land management plans being implemented by the USFS are generally vague and are not enforceable. They stated that “desirable conditions,” as outlined in

Apache-Sitgreaves National Forests (ASNF) Land Management Plan are too broad and may not occur within timeframes beneficial to Apache trout. They identified the Black River Watershed Restoration Project as an example of how ongoing incompatible land uses (*i.e.*, cattle grazing) have prevented streams from being restored. The commenter also stated that the conservation management plan described in our proposed rule is not enforceable and will open Apache trout stream habitat to further degradation if the species is delisted.

Our response: As discussed in this final rule in the Recovery Criteria section, although the CMP is a voluntary agreement, we anticipate the plan will be implemented into the foreseeable future. Signatories of the CMP all have pre-existing legal authority for land management and wildlife management across the entire range of the Apache trout. Furthermore, signatories to the plan have more than a 40-year track record of active, effective, and continuous voluntary Apache trout conservation work demonstrating an enduring commitment to the conservation of this species. The Apache Trout Recovery Plan and the CMP (USFWS 2009, entire; Apache Trout Cooperative Management Plan Workgroup 2021, entire) describe ways to enhance or restore stream and riparian habitats. Apache trout recovery partners (WMAT, AZGFD, USFWS, USFS, and Trout Unlimited) indicated their commitment to ensure the long-term persistence of Apache trout, restore and maintain quality instream habitats, ensure that land management is compatible with functioning watershed conditions, and provide and enhance sportfishing opportunities for Apache trout.

The SSA report analysis of 37 distinct threat factors identified grazing management as the 14th most important factor affecting the future condition of Apache trout. Additionally, as discussed above in comment response (2), there are few active livestock grazing allotments associated with Apache trout recovery streams and the USFS engages in active management to remove feral horses and stray cattle where they occur outside of authorized areas. The actions being undertaken to date to address degradation to habitat due to grazing have not impeded the species from achieving recovery. There are Apache trout habitat areas where habitat quality has been degraded by legacy grazing, especially in sensitive wet meadow habitats, and much of that area has already been protected with fencing enclosures.

Projects for new and rebuilt fencing enclosures of sensitive habitats and riparian plantings are planned on the Apache-Sitgreaves National Forests and Tribal lands. For example, Apache trout recovery partners are working cooperatively on projects to address degraded habitats with ungulate enclosure areas, riparian plantings, and instream habitat restoration projects along Burro, Centerfire, Hayground, and Thompson creeks, West Fork Black River, and South Fork Little Colorado River on the Apache Sitgreaves National Forests. Similar projects have already begun along Flash and Boggy/Lofer creeks on Tribal land. National Environmental Policy Act review for several of these beneficial projects fall under the umbrella of the Black River Watershed Restoration Project which describes many tools for improving watershed condition in the project area and are consistent with the objectives of the Apache-Sitgreaves National Forests Land Management Plan.

Background

A thorough review of the biological information on the Apache trout including taxonomy, life history, ecology, and conservation activities, as well as threats facing the species or its habitat is presented in our SSA report (USFWS 2022a, entire) and the revised recovery plan for Apache trout (USFWS 2009, entire), which are available at <https://www.regulations.gov> under Docket No. FWS-R2-ES-2022-0115. A summary of that information is presented here.

The Apache trout is a salmonid species endemic to the White Mountains region of east-central Arizona. The species is currently found in the White River, Black River, and the Little Colorado River drainages in the White Mountains of east-central Arizona, although the historical distribution is not known with certainty. Apache trout occupies headwater streams upstream of natural and conservation barriers, which likely reflects a truncated distribution from historical distributions due to nonnative trout, habitat alterations, and other factors (USFWS 2009, pp. 1, 6–16). Distinguishing characteristics of Apache trout include a fusiform (spindle-shaped) body and large dorsal fin, with spots on the body pronounced and often uniformly spaced both above and below the lateral line. Spots are circular in outline, are medium-sized, and appear slightly smaller than most interior subspecies of cutthroat trout (*Oncorhynchus clarkii*) but more like typical cutthroat trout than Gila trout (*O. gilae*) (Miller 1972, pp. 410–411).

Yellow or yellow-olive colors predominate, with tints of purple and pink observable on live specimens. Two black spots are located horizontally on the eye before and aft of the pupil, creating the image of a black band through the eye. A red or pink lateral band is usually absent (Miller 1972, p. 414). Dorsal, pelvic, and anal fins have conspicuous cream or yellowish tips. Like most trout occupying small headwater streams, the Apache trout has been described as an opportunistic feeder, primarily feeding on various species of insects such as caddisflies (Trichoptera), mayflies (Ephemeroptera), stoneflies (Plecoptera), and beetles (Coleoptera) (Harper 1978, p. 108).

Recovery Criteria

Section 4(f) of the Act directs us to develop and implement recovery plans for the conservation and survival of endangered and threatened species unless we determine that such a plan will not promote the conservation of the species. Under section 4(f)(1)(B)(ii), recovery plans must, to the maximum extent practicable, include objective, measurable criteria which, when met, would result in a determination, in accordance with the provisions of section 4 of the Act, that the species be removed from the Lists of Endangered and Threatened Wildlife and Plants.

Recovery plans provide a roadmap for us and our partners on methods of enhancing conservation and minimizing threats to listed species, as well as measurable criteria against which to evaluate progress towards recovery and assess the species' likely future condition. However, they are not regulatory documents and do not substitute for the determinations and promulgation of regulations required under section 4(a)(1) of the Act. A decision to revise the status of a species or to delist a species is ultimately based on an analysis of the best scientific and commercial data available to determine whether a species is no longer an endangered species or a threatened species, regardless of whether that information differs from the recovery plan.

There are many paths to accomplishing recovery of a species, and recovery may be achieved without all of the criteria in a recovery plan being fully met. For example, one or more criteria may be exceeded while other criteria may not yet be accomplished. In that instance, we may determine that the threats are minimized sufficiently, and that the species is robust enough that it no longer meets the Act's definition of an

endangered species or a threatened species. In other cases, we may discover new recovery opportunities after having finalized the recovery plan. Parties seeking to conserve the species may use these opportunities instead of methods identified in the recovery plan. Likewise, we may learn new information about the species after we finalize the recovery plan. The new information may change the extent to which existing criteria are appropriate for identifying recovery of the species. The recovery of a species is a dynamic process requiring adaptive management that may, or may not, follow all of the guidance provided in a recovery plan.

The Apache trout recovery plan identified two major areas of focus to achieve the long-term survival and viability of the species: protection of Apache trout habitat from various watershed alteration activities (e.g., forestry, livestock grazing, reservoir construction, agriculture, road construction, and mining) and protection from introduction of nonnative trout species that have resulted in hybridization, competition, and predation (USFWS 2009, p. v). To achieve recovery, the recovery plan identified criteria that assist in determining whether the Apache trout has recovered to the point that the protections afforded by the Act are no longer needed. These criteria are:

(1) Habitat sufficient to provide for all life functions at all life stages of 30 self-sustaining, discrete populations of pure Apache trout has been established and protected through plans and agreements with responsible land and resource management entities. These plans will address and serve to remedy current and future threats to Apache trout habitat.

(2) Thirty discrete populations of genetically pure Apache trout have been established and determined to be self-sustaining. A population will be considered self-sustaining by the presence of multiple age classes and evidence of periodic natural reproduction. A population will be considered established when it is capable of persisting under the range of variation in habitat conditions that occur in the restoration stream.

(3) Appropriate angling regulations are in place to protect Apache trout populations while complying with Federal, State, and Tribal regulatory processes.

(4) Agreements are in place between the Service, the AZGFD, and the WMAT to monitor, prevent, and control disease and/or causative agents, parasites, and pathogens that may threaten Apache trout.

Recovery Plan Implementation

The following discussion summarizes the recovery criteria and information on recovery actions that have been implemented under each delisting criterion.

Delisting Criterion 1: Habitat sufficient to provide for all life functions at all life stages of 30 self-sustaining, discrete populations of pure Apache trout has been established and protected through plans and agreements with responsible land and resource management entities. This criterion has been met.

Since the time of listing, the Service, in collaboration with WMAT, AZGFD, the USFS, and Trout Unlimited, have worked to maintain and restore riparian habitats where the Apache trout occurs. Multiple age classes are represented across the populations, which are indicative of healthy recruitment and stable populations from year to year. Although the average abundance of adults is fewer than 500 within most populations, the diversity of age classes suggests healthy survival and recruitment rates. Furthermore, adult individuals make up a significant share of the overall population, which is indicative that many fry and juveniles are able to survive to adulthood without the need for restocking from adjacent populations or hatcheries.

The habitat of Apache trout is managed, and land-use impacts on the species are reduced through environmental review of proposed projects. For example, the ASNF Land Management Plan incorporates desired conditions for aquatic habitats to contribute to the recovery of federally listed species and to provide self-sustaining populations of native species (ASNF 2015, pp. 16–26). Projects on ASNF lands also require National Environmental Policy Act review. WMAT also has land management plans to protect Apache trout populations. Alteration of logging practices, road closure and removal, and ungulate exclusion through fencing or retiring allotments have all been used to manage Apache trout habitat on the ANSFs and Fort Apache Indian Reservation (Robinson et al. 2004, p. 1; USFWS 2009, pp. 23–29).

The WMAT, AZGFD, ASNF, USFWS, and Trout Unlimited all signed the 2021 Apache Trout Cooperative Management Plan that has no expiration date and details how each agency will use their management authorities to conserve, protect, and manage Apache trout populations and habitat into the future. WMAT has sovereign authority to regulate fishing on the Fort Apache

Indian Reservation which comprises 76 percent of Apache trout habitat. WMAT laws and regulations instituted land and stream closures prohibiting sportfishing of relict populations long before the Apache trout received protection under the Endangered Species Act. WMAT continues to prohibit sportfishing of recovery populations, and this policy is not expected to change. Additionally, the AZGFD provides for the continued protection and conservation of the Apache trout in the Arizona Wildlife Conservation Strategy (AZGFD 2022, entire).

Delisting Criterion 2: Thirty discrete populations of genetically pure Apache trout have been established and determined to be self-sustaining. This criterion has been met.

Compared to the time of listing when we identified 14 genetically pure populations, currently, the Apache trout consists of 30 genetically pure populations. The one population that was described as “pure-suspected” in the SSA report and proposed rule has been since analyzed and was found to be genetically pure (Musmann 2024, pers. comm). These populations are comprised of both relict and replicate populations. A relict population of Apache trout is one that was originally discovered in a stream within the historical range of the species and is the species’ original genetic stock. A replicate population of Apache trout is one that was established using individuals from a relict population or another replicate population that represents a relict genetic lineage. Replicate populations are usually established within the historical range of the species, including both streams that were originally unoccupied by Apache trout and streams where Apache trout have been extirpated. The relict populations have remained pure and are self-sustaining without the need for restocking since their discovery (Leon 2022, pers. comm.).

Following the initial introduction of 100 to 200 individuals, most of the replicate populations did not require additional introduction of individuals (USFWS 2022b, p. 58). However, periodic introductions of additional individuals from the same donor streams have been made in subsequent years in several populations to improve genetic diversity within replicated populations and to reduce impacts to donor streams from large, one-time transfers. Replicate populations were established as early as 1967 and as late as 2008.

In order to ensure that genetically pure populations of Apache trout are protected, conservation barriers that

prohibit nonnative trout species from accessing upstream portions of occupied Apache trout habitat have been and will continue to be constructed and maintained per the CMP. The conservation barriers prevent nonnative trout from hybridizing with, competing with, and preying on Apache trout.

Delisting Criterion 3: Appropriate angling regulations are in place to protect Apache trout populations while complying with Federal, State, and Tribal regulatory processes. This criterion has been met.

Apache trout recovery streams on Tribal lands have not and will not be opened for angling in the future according to longstanding Tribal policy. Twenty-five of the 30 pure populations of Apache trout are located in whole (22) or in part (3) on Tribal lands accounting for approximately 76 percent of all occupied Apache trout recovery habitat. Apache trout streams on national forest lands are protected with fishing closures when populations are small and vulnerable, and with catch-and-release regulations in larger populations where harvest could still negatively impact the population. To generate public support for recovery of the species, AZGFD does provide put-and-take opportunities for Apache trout in Silver Creek, East Fork Black River, and West Fork Little Colorado River. WMAT provides similar opportunities in the North Fork White River, lower East Fork White River, Cibique Creek, lower Paradise Creek, and lower Diamond Creek. Apache trout fisheries are also established in some lakes (e.g., Big Bear, Hurricane, Christmas Tree, Earl Park) to afford the public opportunities to harvest Apache trout, which also has the benefit of raising public awareness for the species.

Delisting Criterion 4: Agreements are in place between the Service, AZGFD, and WMAT to monitor, prevent, and control disease and/or causative agents, parasites, and pathogens that may affect Apache trout. This criterion has been met.

By December 2021, the Service, AZGFD, USFS, WMAT, and Trout Unlimited signed the CMP for Apache trout. The goal of the CMP is to ensure the long-term persistence of the Apache trout by monitoring and maintaining existing populations, establishing new populations, restoring and maintaining existing habitats, and conducting disease, parasite, and pathogen prevention and monitoring activities. Although the CMP is a voluntary agreement among the cooperating agencies, it is reasonable to conclude the plan will be implemented into the future for multiple reasons.

First, each of the cooperating agencies have established a long record of engagement in conservation actions for the Apache trout. Many of the management activities, such as the construction of conservation barriers, have been ongoing since at least the 1990s (USFWS 2022b, pp. 70–73). Second, implementation of the CMP is already underway. The recovery partners are constructing and maintaining conservation barriers, removing invasive species, planning for restocking Apache trout as needed, and repairing and restoring habitats. Third, the conservation mission and authorities of these agencies authorize this work even after the species is delisted. Once the Apache trout is delisted the PDM plan will be initiated and will be adhered to by the CMP signatories and other recovery partners for at least 10 years (Dauwalter et al. 2024, entire). Specifically, the PDM plan prescribes for monitoring of Apache trout populations to ensure that the number of fish in populations remains stable and prescribes for ongoing assessments of conservation barrier effectiveness in protecting Apache trout from nonnative trout species. Fourth, there is a practical reason to anticipate implementation of the CMP into the future: the plan's actions are technically not complicated to implement, and costs are relatively low. We also have confidence that the actions called for in the CMP will be effective in the future because they have already proven to be effective as evidenced by the information collected from recent habitat actions and associated monitoring (USFWS 2022b, entire). Lastly, if the CMP is not adhered to by the cooperating agencies or an evaluation by the Service suggests the habitat and population numbers are declining, the Service would evaluate the need to again add the species to the List (*i.e.*, “relist” the species) under the Act. Taken together, it is therefore reasonable to conclude that the CMP will be implemented as anticipated, and that the long-term recovery of Apache trout will be maintained and monitored adequately, thus meeting the conditions of this criterion.

Regulatory and Analytical Framework

Regulatory Framework

Section 4 of the Act (16 U.S.C. 1533) and the implementing regulations in title 50 of the Code of Federal Regulations set forth the procedures for determining whether a species is an endangered species or a threatened species, issuing protective regulations for threatened species, and designating

critical habitat for endangered species. On April 5, 2024, jointly with the National Marine Fisheries Service, the Service issued a final rule that revised the regulations in 50 CFR part 424 regarding how we add, remove, and reclassify endangered and threatened species and what criteria we apply when designating listed species' critical habitat (89 FR 23919). This final rule is now in effect and is incorporated into the current regulations. Our analysis for this decision applied our current regulations. Given that we proposed delisting this species under our prior regulations (revised in 2019), we have also undertaken an analysis of whether the decision would be different if we had continued to apply the 2019 regulations and we concluded that the decision would be the same. The analyses under both the regulations currently in effect and the 2019 regulations are available on <https://www.regulations.gov>.

The Act defines an “endangered species” as a species that is in danger of extinction throughout all or a significant portion of its range, and a “threatened species” as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether any species is an endangered species or a threatened species because of any of the following factors:

- (A) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (B) Overutilization for commercial, recreational, scientific, or educational purposes;
- (C) Disease or predation;
- (D) The inadequacy of existing regulatory mechanisms; or
- (E) Other natural or manmade factors affecting its continued existence.

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species' continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects. The determination to delist a species must be based on an analysis of the same five factors.

We use the term “threat” to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term “threat” includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals

through alteration of their habitat or required resources (stressors). The term “threat” may encompass—either together or separately—the source of the action or condition or the action or condition itself.

However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an “endangered species” or a “threatened species.” In determining whether a species meets either definition, we must evaluate all identified threats by considering the species' expected response and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species—such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an “endangered species” or a “threatened species” only after conducting this cumulative analysis and describing the expected effect on the species.

The Act does not define the term “foreseeable future,” which appears in the statutory definition of “threatened species.” Our implementing regulations at 50 CFR 424.11(d) set forth a framework for evaluating the foreseeable future on a case-by-case basis which is further described in the 2009 Memorandum Opinion on the foreseeable future from the Department of the Interior, Office of the Solicitor (M–37021, January 16, 2009; “M–Opinion,” available online at <https://www.doi.gov/sites/doi.opengov.ibmcloud.com/files/uploads/M-37021.pdf>). The foreseeable future extends as far into the future as we can make reasonably reliable predictions about the threats to the species and the species' responses to those threats. We need not identify the foreseeable future in terms of a specific period of time. We will describe the foreseeable future on a case-by-case basis, using the best available data and taking into account considerations such as the species' life-history characteristics, threat-projection timeframes, and environmental variability. In other words, the foreseeable future is the period of time over which we can make reasonably reliable predictions. “Reliable” does not mean “certain”; it means sufficient to

provide a reasonable degree of confidence in the prediction, in light of the conservation purposes of the Act.

Analytical Framework

The SSA report documents the results of our comprehensive biological review of the best scientific and commercial data regarding the status of the species, including an assessment of the potential stressors to the species. The SSA report does not represent our decision on whether the species should be delisted. However, it does provide the scientific basis that informs our regulatory decisions, which involve the further application of standards within the Act and its implementing regulations and policies.

To assess the Apache trout's viability, we used the three conservation biology principles of resiliency, representation, and redundancy (Smith et al. 2018, pp. 306–310). Briefly, resiliency is the ability of the species to withstand environmental and demographic stochasticity (for example, wet or dry, warm or cold years), redundancy is the ability of the species to withstand catastrophic events (for example, droughts, large pollution events), and representation is the ability of the species to adapt to both near-term and long-term changes in its physical and biological environment (for example, climate conditions, pathogen). In general, species viability will increase with increases in resiliency, redundancy, and representation (Smith et al. 2018, p. 306). Using these principles, we identified the species' ecological requirements for survival and reproduction at the individual, population, and species levels, and described the beneficial and risk factors influencing the species' viability.

The SSA process can be categorized into three sequential stages. During the first stage, we evaluated individual species' life-history needs. The next stage involved an assessment of the historical and current condition of the species' demographics and habitat characteristics, including an explanation of how the species arrived at its current condition. The final stage of the SSA involved making predictions about the species' responses to positive and negative environmental and anthropogenic influences. Throughout all of these stages, we used the best available information to characterize viability as the ability of a species to sustain populations in the wild over time, which we then used to inform our regulatory decision.

The following is a summary of the key results and conclusions from the SSA report; the full SSA report can be found

on the Service website at <https://ecos.fws.gov/ecp/species/3532> and at <https://www.regulations.gov> under Docket No. FWS–R2–ES–2022–0115.

Summary of Biological Status and Threats

In this discussion, we review the biological condition of the Apache trout and its resources, and the threats that influence the species' current and future condition, in order to assess the species' overall viability and the risks to that viability. In addition, the SSA report documents our comprehensive biological status review for the species, including an assessment of the potential threats to the species. The following is a summary of this status review and the best available information gathered since that time that have informed this decision.

The primary threats affecting the Apache trout are the invasion of nonnative trout species into Apache trout habitat and the effects of climate change, which are projected to result in more wildfire and debris runoff in streams. Introgression of nonnative trout species into Apache trout habitat has resulted in hybridization of certain populations. Additionally, nonnative trout species compete with the Apache trout, and certain species have been known to prey on the Apache trout. Wildfires in the region can result in ash and debris flow, creating unsuitable conditions for the Apache trout and possibly resulting in fatalities and extirpation of populations. To address these major threats, management actions, including construction of conservation barriers, as well as restocking and restoring habitats, have been implemented.

Nonnative Species

Nonnative species, especially nonnative salmonids, remain one of the largest threats to the Apache trout (Rinne 1996, p. 152). Over 61 million nonnative sport fishes have been stocked into lakes in the Little Colorado and Black River drainages since the 1930s (Rinne and Janisch 1995, p. 398). Over 8 million nonnative sport fishes were introduced directly into the Little Colorado and Black rivers and their tributaries since the 1930s, and many of these were nonnative salmonids (Rinne and Janisch 1995, p. 398). Recent stocking practices have been altered to reduce interactions with, and risks to, native species, such as using triploid (sterile) rainbow trout for stocking into open water systems (EcoPlan Associates 2011, p. 21). However, threats remain due to acclimated nonnative populations from historical stockings.

As discussed below, hybridization with rainbow trout and cutthroat trout can lead to functional extirpation of Apache trout populations. Competition with and predation by brown trout and brook trout are also of high concern. While no published studies have documented competition and predation impacts on Apache trout by nonnative salmonids such as brown trout and brook trout, it is generally accepted that the negative interaction has led to reduction or extirpation of some populations (Rinne 1996, p. 152). Appendix C of the SSA report analyzes the negative effect of nonnative trout presence on occupancy of juvenile Apache trout at the site scale in fish surveys (USFWS 2022a, p. 134–137).

Genetic Factors (Population)

Discussed below are the three genetic factors that pose a risk to the viability of Apache trout populations: hybridization, inbreeding, and low genetic variability.

Hybridization

Hybridization can introduce traits that are maladaptive, disrupt adaptive gene complexes, or result in outbreeding depression (Hedrick 2000, entire). Hybridization can also lead to the loss of species-specific alleles, and hybridization with Pacific trout species has long been recognized as a threat to the viability of native trout species (or subspecies) (Behnke 1992, p. 54). This has resulted in arguments that only genetically pure populations should be considered a part of the species or subspecies (Allendorf et al. 2004, p. 1212).

A long history of nonnative trout stocking in Arizona has led to hybridization between Apache trout and rainbow trout, even to the extent of genetic extirpation, and it is one of the main reasons for the historical decline of Apache trout (Rinne and Minckley 1985, pp. 285, 288–291; Carmichael et al. 1993, pp. 122, 128; Rinne 1996, pp. 150–152). The major threat of hybridization is the reason the 2009 revised recovery plan lists as an objective the establishment and/or maintenance of 30 self-sustaining, discrete populations of genetically pure Apache trout within its historical range (USFWS 2009, pp. vi, vii, 5, 22). That same objective has largely been in place since the first recovery plan was developed for the species in 1979 (USFWS 1979, p. 15). A comprehensive assessment of the genetic purity of naturally reproducing Apache trout populations in 1993 showed only 11 of 31 streams were deemed to be generically pure (Carmichael et al. 1993,

p. 128). At the time the 2009 revised recovery plan was completed, 28 populations of genetically pure Apache trout were extant (USFWS 2009, p. 2). The proposed delisting rule for Apache trout indicated that there were 29 genetically pure populations (88 FR 54548; August 11, 2023); one population described as “pure-suspected” in the proposed delisting rule has since been confirmed to be genetically pure. Currently, the Apache trout consists of 30 genetically pure populations.

Inbreeding and Low Genetic Diversity

Small populations are more likely to exhibit inbreeding and low genetic diversity. Inbreeding often results in inbreeding depression and expression of recessive and deleterious alleles (Wang et al. 2002, p. 308). Cutthroat trout are an example of inland trout in North America where inbreeding has been documented for some small, isolated populations (Metcalf et al. 2008, p. 152; Carim et al. 2016, pp. 1368–1372). Low genetic diversity limits the ability of populations to adapt to changing and novel environments (Allendorf and Ryman 2002, pp. 62–63).

The one study of genetic diversity in Apache trout showed strong distinction among three genetic lineages (Soldier, Ord, and East Fork White River lineages) represented by the nine populations studied, but genetic diversity was low within populations (Wares et al. 2004, pp. 1896–1897). Low genetic diversity within populations suggests that they were founded with a small number of individuals. Replicate populations of Apache trout have often been established with a few hundred individuals, with an unknown subset successfully reproducing. No studies have evaluated inbreeding in Apache trout populations, or how genetic management (e.g., genetic rescue) may benefit Apache trout populations, and these topics remain of management interest (Wang et al. 2002, pp. 308, 313–315; Whiteley et al. 2015, pp. 42–48; Robinson et al. 2017, pp. 4418–4419, 4430).

Climate Change, Wildfire, Stream Conditions

The climate has changed when compared to historical records, and it is projected to continue to change due to increases in atmospheric carbon dioxide and other greenhouse gases (U.S. Global Change Research Program 2017, pp. 10–11). The American Southwest has the hottest and driest climate in the United States. The U.S. Fourth National Climate Assessment suggests that warming temperatures will lead to decreasing snowpack, increasing

frequency and severity of droughts, and increasing frequency and severity of wildfires, and these in turn will result in warmer water temperatures, reduced streamflows (especially baseflows), and increased risk of fire-related impacts to aquatic ecosystems (Gonzales et al. 2018, pp. 1133–1136; Overpeck and Bonar 2021, p. 139). In fact, the current drought in the western United States is one of the worst in the last 1,200 years and is exacerbated by climate warming (Williams et al. 2020, p. 317). Climate warming will make droughts longer, more severe, and more widespread in the future.

An eight-fold increase in the amount of land burned at high severity during recent wildfires, including in the southwestern United States, has been observed and it is likely that warmer and drier fire seasons in the future will continue to contribute to high-severity wildfires where fuels remain abundant (Parks and Abatzoglou 2021, p. 6). Wildfires have increased in frequency and severity in Arizona and New Mexico primarily due to changes in climate but also because of increased fuel loads (Mueller et al. 2020, p. 1; Parks and Abatzoglou 2021, pp. 5–7), including within the historical range of the Apache trout (Dauwalter et al. 2017a, entire). Larger, more frequent, and more severe wildfires accompanying a changing climate together may drive conversions in vegetation type from forest to shrub or grassland because of higher tree mortality, limited seed dispersal in larger burn patches, soil damage that reduces seedling establishment, and a changing climate that reduces seedling survival—all of which combine to inhibit forest regeneration (Keeley et al. 2019, p. 775; Coop et al. 2020, p. 670). Wildfires can result in ash flows that create unsuitable water quality conditions for salmonids, and high-intensity fires in steep watersheds are likely to result in channel-reorganizing debris flows (Gresswell 1999, pp. 210–211; Cannon et al. 2010, p. 128). Approximately 30 percent of forests in the Southwest are projected to have an elevated risk of conversion to shrubland and grassland because of increased fire severity due to climate change (Parks et al. 2019, p. 9). Conifer reduction in the White Mountains could reduce stream shading important for maintaining suitable stream temperatures for Apache trout (Baker and Bonar 2019, pp. 862–864).

In the absence of existing peer-reviewed science on the effects of climate change on the Apache trout itself, we applied the vulnerability assessment approach that was used to

evaluate wildfire and temperature warming vulnerability in Gila trout streams and applied it to Apache trout populations (USFWS 2022a, pp. 121–130). The analysis suggests that streams such as West Fork Little Colorado River have a high risk of crown fire (wildfire spreading at the canopy level) and subsequent debris flows. Other streams in the Wallow Fire perimeter have a lower risk of future wildfires due to reduced fuel loads.

To evaluate stream temperature risk due to climate warming, we first evaluated Apache trout occupancy across all habitat patches and found that 95 percent of all occupied patches occurred in reaches at or below 16.5 degrees Celsius (°C) (61.7 degrees Fahrenheit (°F)) mean July water temperatures. Then all streams were modeled to contain reaches where mean July water temperatures were less than or equal to 16.5 °C (61.7 °F), a conservative temperature threshold, based on temperature projections for the 2080s from an ensemble global climate model for the A1B emissions scenario (i.e., middle-of-the-road scenario). Big Bonito Creek, Fish Creek, and Boggy/Lofer Creeks contained the largest amount of habitat with mean July temperatures less than 16.5 °C (61.7 °F) in the 2080s. The East Fork Little Colorado River, Snake Creek, Rock Creek, Rudd Creek, and South Fork Little Colorado River had the lowest percent of habitat with mean July temperatures less than or equal to 16.5 °C (61.7 °F) in the 2080s.

Most Apache trout habitat patches are not currently limited by warm stream temperatures because the habitat designated for species recovery is upstream of fish passage barriers (Avenetti et al. 2006, p. 213; USFWS 2009, p. 19; USFWS 2022b, pp. 118–127). Based on our analysis, these habitat patches are far enough upstream to also not be limited by warm stream temperatures into the 2080s. Some streams may even be currently limited by cold temperatures for juvenile Apache trout, and these areas may in fact benefit from warmer stream temperatures at least up until the 2080s.

Cumulative Impacts

We note that, by using the SSA framework to guide our analysis of the scientific information documented in the SSA report, we have not only analyzed individual effects on the species, but we have also analyzed their potential cumulative effects. We incorporate the cumulative effects into our SSA analysis when we characterize the current and future conditions of the species. To assess the current and future

conditions of the species, we undertake an iterative analysis that encompasses and incorporates the threats individually and then accumulates and evaluates the effects of all the factors that may be influencing the species, including threats and conservation efforts. Because the SSA framework considers not just the presence of the factors, but to what degree they collectively influence risk to the entire species, our assessment integrates the cumulative effects of the factors and replaces a standalone cumulative effects analysis.

Conservation Efforts and Regulatory Mechanisms

Several conservation actions are routinely undertaken to protect, restore, and re-establish Apache trout populations across the species' historical range and, in one case, outside of the historical range. Discussed below are the major past and ongoing conservation efforts for Apache trout, which include removal of nonnative trout species, reintroduction of Apache trout, habitat maintenance and restoration, hatchery propagation, and angling regulations. These activities are managed under the CMP. The CMP will remain in force until terminated by mutual agreement of signed parties. Any involved party may withdraw from this plan on 30 days' written notice to the other signatories. Amendments to the CMP may be proposed by any involved party and will become effective upon written approval by all partners.

Nonnative Trout Removal

Removal of nonnative salmonids often occurs after conservation barriers are constructed and before Apache trout are reintroduced, or removals are done when nonnative salmonids have invaded an extant Apache trout population. As noted above, conservation barriers are artificial barriers built to separate upstream populations of Apache trout from downstream populations where other trout species and hybrids are found. These downstream populations are managed to provide sportfishing opportunities. Removal is commonly done using piscicides (chemicals that are poisonous to fish) or electrofishing. A few studies have documented the higher effectiveness of piscicides on removing nonnative salmonids from Apache trout streams, although more than one treatment may be required (Rinne et al. 1981, p. 78; Kitcheyan 1999, pp. 16–17).

Electrofishing (often referred to as mechanical removal) is also used to remove nonnative fishes where

piscicides have not been approved for use, or where populations of Apache trout are sympatric with nonnative trout, and it is not desirable to eliminate Apache trout simultaneously with nonnative trout. For example, electrofishing was used from 2018 to 2021, to remove over 14,670 brook trout and 3,932 brown trout from 9 Apache trout streams, with successful eradication suspected in some streams that will be later confirmed with future electrofishing or environmental DNA surveys (Manuell and Graves 2022, p. 8).

Piscicides are typically more effective at ensuring all fish are removed, which is important because nonnative populations can become reestablished if only a few individuals survive (Thompson and Rahel 1996, pp. 336–338; Finlayson et al. 2005, p. 13; Meyer et al. 2006, p. 858). In contrast, electrofishing removal is most effective in small stream systems with simple habitat (Meyer et al. 2006, p. 858). Environmental DNA surveys are conducted to confirm presence or absence of target organisms; this technique is often used in native trout conservation projects to help locate any remaining nonnative fish and target them for removal using either electrofishing or secondary applications of piscicides (Carim et al. 2020, pp. 488–490).

Reintroduction

Apache trout are typically reintroduced after the habitat is protected by a conservation barrier and nonnative salmonids have been removed. Apache trout populations are usually established using fish from another population, although hatchery stocks have been used to establish populations as well. The donor stream is selected, in part, based on the number of fish in that population so that removing some does not jeopardize donor population viability; donor stream selection is also based on the need to replicate relict populations to enhance redundancy of those lineages. Planning efforts are underway to establish additional populations where feasible, for example in Fish Creek, Hayground Creek, Home Creek, and the lower West Fork-Black River. Historically, 100 to 200 fish have been used to establish populations, but there is evidence that this number of founding individuals has resulted in the low genetic diversity observed in some populations (Wares et al. 2004, pp. 1896–1897). Future populations will be established using larger total numbers over several years to maximize genetic

diversity while minimizing impacts to donor populations (USFWS 2021, p. 13).

Habitat Management and Restoration

Past habitat surveys and anecdotal observations identified stream segments in poor condition and in need of protection and restoration (Carmichael et al. 1995, p. 116; Robinson et al. 2004, pp. 1–3, 14–17). The subbasins where Apache trout are found are managed by multiple agencies at the Federal, State, and Tribal level. The management of the individual subbasins are as follows: Black River (WMAT, USFS/AZGFD), Bonito Creek (WMAT), East Fork White River (WMAT), North Fork White River (WMAT), Diamond Creek (WMAT), Little Colorado River (USFS/AZGFD), and Colorado River (AZGFD). Of the 30 genetically pure populations, 16 relict and 6 replicated populations occur only on WMAT lands, 1 relict and 1 replicated population occur on both WMAT and USFS/AZGFD managed lands (Soldier Creek and upper West Fork Black River, respectively), 5 replicated populations occur only on USFS/AZGFD managed lands, and 1 replicated population occurs on both San Carlos Apache Tribe and USFS/AZGFD managed lands (Bear Wallow Creek).

The habitat of Apache trout is managed to ameliorate land-use impacts through environmental review of proposed projects. For example, WMAT has land management plans that protect Apache trout populations and implement habitat restoration projects. Projects occurring on or adjacent to Apache trout habitat include alteration of logging practices, road closure and removal, and ungulate exclusion through fencing or retiring allotments, and all have been reviewed for potential impacts to Apache trout habitat on the ASNF and Fort Apache Indian Reservation (Robinson et al. 2004, entire; USFWS 2009, p. 23).

The Southwest Region of the USFS has the Riparian and Aquatic Ecosystem Strategy (Strategy; USFS 2019, entire), and restoration of aquatic habitat is identified through site-specific land management actions, such as the currently ongoing Black River Restoration Project. Working with partners on such actions is outlined in the Strategy (USFS 2019, pp. 17–18).

Hatcheries

Hatcheries have been used for Apache trout conservation and to establish sportfishing opportunities in lakes and streams. Apache trout from Williams Creek National Fish Hatchery have been used to establish populations including those in the West Fork Little Colorado

and West Fork Black rivers, but they have been most often used to provide sportfishing opportunities in lakes and streams on the Fort Apache Indian Reservation. Progeny from the Apache trout broodstock at Williams Creek National Fish Hatchery are also transferred annually, at the direction of WMAT, to be reared at Arizona's Silver Creek and Tonto Creek hatcheries and stocked to support sportfishing on State-managed lands. This broodstock is expected to be used to establish additional recovery populations in the future due to improvements in genetic fitness and representation following several years of incorporating wild milt (fish semen) into the broodstock program (2017–present).

Angling and Harvest Regulations

Apache trout streams are largely protected with fishing closures when populations are small and vulnerable, or by catch-and-release regulations in larger populations where harvest could negatively impact the population. WMAT does not allow any fishing to occur in areas occupied by Apache trout recovery populations. Both WMAT and AZGFD provide put-and-take opportunities for Apache trout in multiple lakes and streams to afford the public opportunities to harvest Apache trout and generate public awareness and support for recovery of the species.

Emergency Contingency Plan

Wildfire, drought, nonnative trout invasions (e.g., barrier failure), and disease can threaten the viability and genetic integrity of Apache trout populations. We and our partners will continue to track these threats during the monitoring described in the CMP or through other monitoring and reporting systems. If needed, we and our partners in the CMP will transport individual fish to other streams or hatcheries with suitable isolation facilities until they can be repatriated into their original or an alternate site (USFWS 2021, p. 13).

Current Condition

Resiliency—Demographic and Habitat Factors

Resiliency references the ability of a species or population to bounce back from disturbances or catastrophic events, and is often associated with population size, population growth rate, and habitat quantity (patch size) and quality (USFWS 2016, p. 6).

Three demographic and six habitat factors were used to describe the current condition (status) and overall resiliency of Apache trout populations. These factors are commonly used to describe

the health and integrity of native trout populations in the western United States (Williams et al. 2007, pp. 478–481; USFWS 2009, pp. 17–22; Dauwalter et al. 2017a, pp. 1–2). The three demographic factors are genetic purity, adult population size, and recruitment variability. The six habitat factors are stream length occupied, July temperature, percent of stream intermittency, habitat quality, nonnative trout presence, and barrier effectiveness.

Hybridization can introduce traits that are maladaptive or result in outbreeding depression. Thus, often only genetically pure populations are considered to be part of a species for conservation purposes. Apache trout populations were classified using the results of the most recent genetic testing for the presence of nonnative trout alleles (rainbow trout and cutthroat trout) when available (Carmichael et al. 1993, p. 127; Carlson and Culver 2009, pp. 5–9; Weathers and Mussmann 2020, pp. 4–7; Weathers and Mussmann 2021, pp. 4–7). Genetic material (e.g., fin clips) is often collected during population monitoring, or it is collected during surveys targeting fish for genetic testing if there is evidence that barriers are compromised or other evidence suggests that hybridizing species (rainbow trout and cutthroat trout) or hybrid individuals may be present (e.g., from visual assessment). In the absence of genetic testing, the presence of hybridizing species, presence of hybrid phenotypes, or professional judgment based on putative barrier effectiveness were used to classify populations as being genetically pure or hybridized.

Adult population size is the estimated number of adult Apache trout (greater than or equal to 130-mm TL) in a population in the most recent year of population monitoring. Before 2016, estimates of streamwide adult abundance were made from monitoring data collected under the basinwide visual estimation technique protocol (Dolloff et al. 1993, pp. v–17), and in a few cases, from information collected during general aquatic wildlife surveys (e.g., Robinson et al. 2004, pp. 3–13) or from electrofishing data (catch per single electrofishing pass) when collecting tissues for genetic analysis (such as was used in Carlson and Culver 2009). Since 2016, estimates of adult abundance have been based on an updated systematic sampling design (Dauwalter et al. 2017a, entire). Recruitment variability seeks to quantify the number of size classes present. The presence of individuals in more size (and therefore age) classes is indicative of more stable recruitment from year to year, which indicates that populations

are more able to withstand year-to-year environmental variability (stochasticity; Maceina and Pereira 2007, pp. 121–123). Length frequency data from monitoring surveys were used to determine the number of size classes present.

The length of an occupied stream, often referred to as patch size, was measured in kilometers using the National Hydrography Dataset (1:24,000 scale), and upstream and downstream extents were typically defined by experts as the extent of occupancy from fish survey data, suitable habitat, or barriers to fish passage (conservation barriers). Extent of occupied habitat has been shown to be positively associated with the probability of population persistence (e.g., viability, extinction probability) for western native trout (Harig et al. 2000, pp. 997–1000; Hilderbrand and Kershner 2000, pp. 515–518; Finlayson et al. 2005, p. 13), and it has been used as an indicator of persistence in indices of population health and as an indicator of translocation success (Harig and Fausch 2002, pp. 546–548; Williams et al. 2007, pp. 479–480; Cook et al. 2010, pp. 1505–1508).

We selected July temperature as a measurement of habitat quality because the Apache trout, like other salmonids, is a cold-water stenotherm (a species that can survive only within a narrow range of temperature). Under *Climate Change, Wildfire, Stream Conditions*, above, we highlight the thermal tolerance and habitat suitability values derived from several laboratory and field studies of Apache trout. The maximum mean July temperature in habitat extent occupied by each Apache trout population is based on modeled average July temperatures predicted for each 1-km stream segment in Arizona from the NorWeST dataset (Isaak et al. 2017, pp. 7–13). The NorWeST dataset predicts mean August temperatures (average of mean daily temperatures for the month of August) for each 1-km (0.6 mi) stream segment in the National Hydrography Dataset (1:100,000 scale). These predictions were adjusted based on an empirical relationship between mean August and mean July (monthly mean of mean daily temperatures) temperatures in Apache trout streams from data collected by USFS as ASNf.

Intermittency percentage is the percent of occupied habitat extent estimated to become intermittent during severe drought years. The percent of stream length occupied that becomes intermittent (dry) during severe drought years due to low natural flows, decreasing flow trends in recent years, anthropogenic impacts to flow, or other

factors. The percentage was based on professional judgment and knowledge of the habitat. The southwestern United States is a naturally warm and dry environment with reduced surface water resources that may subside due to low annual precipitation (snowpack and rainfall) and interactions with local geology (Long et al. 2006, pp. 90–94). The region is currently in a megadrought that has large consequences for streamflows (Williams et al. 2020, p. 314), and other researchers highlighted the time period from 2000 to 2003 as a severe drought period (Hoerling and Eischeid 2007, p. 2).

Habitat quality is the condition of riparian and instream habitat throughout the occupied habitat extent. Stream habitat quality was classified based on professional judgment at the whole stream scale or by segment and then computed as a weighted average (weighted by length).

The presence of rainbow trout, brown trout, brook trout, or cutthroat trout within the habitat accessible to the Apache trout population (or defined habitat extent) is either confirmed or not present. Rainbow trout and cutthroat trout have been documented to hybridize with Apache trout (Carmichael et al. 1993, p. 128), and brown trout and brook trout compete with and prey on Apache trout, thus reducing the carrying capacity of habitat to support Apache trout (Carmichael et al. 1995, p. 114). Presence of each species is attributed based on survey data, angler reports, anecdotal information, and, in some cases, barrier effectiveness and proximity of nonnative species and likelihood of invasion upstream of ineffective barriers.

Barriers were classified as functional or nonfunctional, and functionality was classified as known or suspected. Functionality was classified based on documented presence of nonnative trout above a barrier, documented movement of marked fish from below to above a barrier, known streamflow paths around or through barriers, poor structural integrity, or other factors influencing perceived functionality based on professional judgment. On some streams, more than one conservation barrier has been constructed to provide functional redundancy and security due to possible failure, as well as to allow management flexibility for controlling nonnative trout invasions or conducting nonnative trout removals (mechanical or chemical).

Resiliency

The resiliency of Apache trout populations (and habitats) was assessed using a 4.0 grading scale and grade-point-average (GPA) framework. Using this framework, each Apache Trout population received a grade and grade point equivalents based on the current condition of the three demographic and six habitat factors described above. The condition of each factor was graded based on the results of expert elicitation (see USFWS 2022a, pp. 85–96 for how this grading scale was used to evaluate Apache trout population resiliency).

Demographic and habitat factor data show that relict and hybridized Apache trout populations occur in two major river basins (the Black River and White River basins), replicate populations occur in all major basins (including one replicate population outside the species' historical range in the Colorado River), and unoccupied recovery streams occur in the Little Colorado River and Black River basins. Relict populations occur in five of six subbasins to which they are native. Hybridized populations occur in the Black River and Diamond Creek subbasins. As mentioned previously, of the 38 extant populations of Apache trout, 30 populations of Apache trout are known to be pure, (81.1 percent). One of eight (12.5 percent) populations has been confirmed as hybridized through genetic testing, whereas seven have been assumed to be hybridized because of known barrier failures and invasion of rainbow trout.

A summary of demographic factors showed a majority of genetically pure Apache trout populations to have adult (greater than 130-mm [5.1 in] TL) population sizes of between 100 and 1,000 individuals (see table 11 in USFWS 2022b, p. 86); one population, East Fork White River, was estimated to have more than 2,200 adults (see table 11 in USFWS 2022b, p. 86). Most populations showed consistent recruitment, with four or five size classes (and presumably year classes) present, which suggests they are stable and self-sustaining populations (see figure 18C in USFWS 2022b, p. 83).

Habitat factors for Apache trout populations showed a wide range of current conditions. The extent of stream occupied by Apache trout populations ranged from 0.4 km (0.25 mi) to 30.1 km (18.7 mi); most were less than 14 km (8.7 mi). Maximum mean July temperatures in occupied habitat were less than or equal to 15.5 °C (59.9 °F) for relict and replicate populations, whereas unoccupied streams and hybrid populations had warmer maximum mean July temperatures up to 17.5 °C

(63.5 °F). Most populations or unoccupied streams exhibited little intermittency during severe drought, but two hybridized populations and one unoccupied stream were estimated to be more than 50 percent intermittent (up to 95 percent). Unoccupied streams and streams occupied by hybrid populations had the lowest habitat quality (in part due to 2011 Wallow Fire), while a majority of relict and replicate populations inhabited high-quality habitat. Nineteen Apache trout populations were sympatric with brown trout, 7 with rainbow trout, and 2 with brook trout. Thirty-six populations or unoccupied recovery streams currently have conservation barriers to isolate them from nonnative fishes downstream; 31 of these populations are protected by barriers that are known or suspected to be functional; 10 populations have a second barrier downstream for added protection across all population types (relict, replicate, hybrid, unoccupied).

Overall, the current condition of the 30 genetically pure Apache trout populations averaged 2.89 (B average) on a 4.0 scale. Based on the demographic and habitat factor grade point equivalents for each population, Apache trout populations were more often limited by demographic factors than habitat factors. Adult (greater than 130-mm TL) population size was most frequently the limiting demographic factor. Unoccupied streams (e.g., Home Creek) had demographic GPAs equaling 0.0. East Fork White River had the highest demographic GPA (4.00). Likewise, presence of nonnative trout was frequently a limiting habitat factor. Centerfire and Stinky creeks on the Apache-Sitgreaves National Forests (ASNF) had the lowest habitat factor (GPA of 1.33); Deep Creek (WMAT) had the highest habitat factor (GPA of 3.50).

Redundancy and Representation

Redundancy and representation and for Apache trout were evaluated by quantifying the presence of relict populations, and their replication on the landscape, as putative genetic lineages at the subbasin level. Redundancy was measured as the replication of relict lineages into new streams by subbasin. Replication of relict populations, and thus redundancy of purported relict subbasin lineages, was measured both within and outside of the native subbasin for each subbasin genetic lineage. The number of populations that meet certain persistence, abundance, and recruitment criteria can also be used to quantify population redundancy by subbasin or a larger basin unit (e.g., geographic management unit).

Representation was based on presence of genetically pure relict populations from each subbasin.

Tracking the redundancy and representation of relict populations by subbasin, as subbasin lineages, is a surrogate for the assumed unique genetic diversity, and presumed unique adaptation potential, that is often found to be structured around the hierarchical nature of drainage basins (Vrijenhoek et al. 1985, pp. 400–402; Wares et al. 2004, pp. 1890–1891, 1897). While such genetic structuring is evident in Apache trout for the nine populations (and three genetic lineages) that have been studied (Wares et al. 2004, pp. 1895–1896), no comprehensive rangewide study of genetic diversity has been conducted across all genetically pure populations. Accounting for relict Apache trout populations in this way presumably reflects the representation and redundancy of genetic diversity, and thus adaptive potential, of the species in each subbasin in which it is native.

When quantified in this way, extant relict populations exist in five of six subbasins within the historical range of the Apache trout; only the Little Colorado River subbasin is no longer represented within an extant relict lineage. The East Fork White River subbasin has the highest level of redundancy and representation; it contains six relict populations still extant within the subbasin and four replicated populations in other subbasins that were founded with individuals from relict populations native to the East Fork White River subbasin. Of the subbasins containing relict populations, the Black River and Diamond Creek subbasins contain the lowest level of redundancy and representation, with three populations each occurring on the landscape (Black River: one relict and two replicates; Diamond Creek: two relicts and one replicate).

Future Condition

The primary threats affecting Apache trout viability include invasion by nonnative trout and climate change, which encompasses warmer stream temperatures, more frequent and severe droughts, increased wildfire frequency and post-fire debris flow, reduced snowpack and increased rain on snow events, and more intense summer monsoon precipitation. A 30-year future (which equates to approximately six generations of Apache trout) was chosen for our future condition projections because within this timeframe it is likely that these primary threats will continue to be relevant to the species, and also because it is biologically

reasonable to assess the species' response to these threats within this timeframe. Additionally, this timeframe allows us to reasonably forecast upcoming management activities as they will be implemented through the CMP.

Continued implementation of the CMP will actively manage threats to Apache trout including the presence of nonnative trout and wildfire and post-fire debris flow. Nonnative trout impact the Apache trout in multiple ways including hybridization, predation, and competition. Wildfires primarily produce debris flows that render habitat unsuitable for the species. To mitigate these two threats, recovery partners will continue to undertake successful conservation actions such as construction and maintenance of conservation barriers, removal (by physical or chemical means) of nonnative trout species, restocking of Apache trout via hatchery and/or existing relict populations, restoration of Apache trout habitats and reduction of fuel loads to reduce the risk of wildfires, and fish salvages following wildfires per the CMP. Continued construction and maintenance of conservation barriers will continue to prevent hybridization of the Apache trout with other trout species, as well as to prevent competition with and predation by other fish species.

Climate change threats that are more uncertain and difficult to mitigate include warming stream temperatures, more frequent and severe droughts, reduced snowpack with increased rain on snow events, and more intense summer monsoon precipitation. The future scenarios that were developed for Apache trout incorporate these factors in order to evaluate how climate variability might influence future condition for the species.

While the SSA report contains a total of five scenarios, in determining the future condition and status of the species for this rulemaking we determined that only two of the five scenarios are plausible. Scenarios 1 and 2 in the SSA assumed that no multi-agency CMP would be in place after the species is delisted; however, since the SSA report and the scenarios were developed, the CMP has been signed and is currently being implemented, making these scenarios not plausible. Our assessment of scenarios indicated that scenario 5 is also not plausible given the constraints involved with securing funding and commitment from partners for “greatly increased” management of the species to occur (USFWS 2022a, p. 121). Given these factors, we did not consider scenarios 1,

2, and 5 and relied on scenarios 3 and 4 to inform our status determination.

As noted above, a 30-year timeframe was chosen because it encompasses six generations of Apache trout and is, therefore, a biologically reasonable timeframe for assessing the likelihood of threats as well as the species' response to those threats. Additionally, this timeframe allows us to reasonably forecast upcoming management activities that will be implemented through the CMP. The two scenarios used for our status determination in this final rule reflect both exogenous factors such as watershed condition and climatic changes, as well as management action feasibility and volume given funding and other programmatic constraints (e.g., funding and other resources) and policy. The scenarios incorporate a status quo level of management through the CMP, as well as potentially increased levels of management through future conservation actions that could take place throughout the future. Each scenario was based on a 30-year timeframe and each includes climate change impacts and other factors impacting the Apache trout, implementation of the CMP, and scientific and technological advancement. The two scenarios from the SSA report that we evaluated are:

Scenario 3 (Sustained Management, i.e., status quo): Recovery and conservation efforts continue at sustained levels, which during the years 2000–2020 were proven to be beneficial to Apache trout recovery. This level of management will be maintained into the future as prescribed by and implemented through the CMP. Thus, actions continue and are effective at reducing some threats. This includes legally required actions and those voluntarily agreed to in the CMP. Barrier construction, population expansion, and nonnative trout removals occur at levels required to meet recovery criteria (30 pure populations, or similar) and are maintained thereafter. USFWS assistance to the WMAT continues. Some funding sources disappear (e.g., National Fish and Wildlife Foundation Apache Trout Keystone Initiative), but other funding sources emerge (e.g., National Fish Habitat Act). This scenario represented the status quo scenario with approximately the same level of resources and management action as a 2000–2020 baseline.

- Barrier installation and maintenance continues at 2000–2020 levels. The number of viable Apache trout populations and metapopulations

increases to meeting recovery goals and is maintained after delisting.

- Effectiveness of land management policies for stream ecosystem and threatened species is initially maintained through delisting due to the CMP agreement in place. Across the Apache trout range, watershed functional conditions are maintained or improved, riparian and instream habitat are maintained or improved in quality, and stream temperatures are maintained or improved to support Apache trout due to protections during land management planning and implementation.

- Because of climate change, stream temperatures become warmer, droughts continue to become more frequent and severe, risk of wildfire and post-fire debris flow increases, snowpack decreases but increased rain on snow events occur, and summer monsoon rains become more intense.

Scenario 4 (Increased Management): Recovery and conservation efforts continue but at levels increased slightly from 2000–2020 baseline levels that are beneficial to the species. Management actions continue and some become effective at reducing some threats. After barrier construction, population expansion, and nonnative trout removals initially occur at levels required to meet recovery criteria (30 pure populations, or similar) and Apache trout are delisted, the level of actions is maintained due to the CMP in place, but also increases due to emergence of new research and technology. USFWS assistance to the WMAT continues. Legislation emerges resulting in new funding sources for fish habitat projects (e.g., National Fish Habitat Act), and there is broad implementation of the Four Forest Restoration Initiative, Black River Restoration Environmental Assessment, and FAIR Forest Management Plan (fuels management) that are beneficial to watershed functional conditions and reduced wildfire risk.

- Barrier installation and maintenance increase slightly from 2000–2020 levels due to new technology that increases effectiveness and reduces cost and maintenance. The number of viable Apache trout populations increases and one large metapopulation is realized to meet and exceed recovery goals.

- Effectiveness of land management policies for stream ecosystem and threatened species is initially maintained through delisting due to the CMP in place. Across the Apache trout range, watershed functional conditions are improved, riparian and instream habitat are improved in quality, and

stream temperatures are improved (riparian restoration and recovery) to support Apache trout due to protections during land management planning and implementation.

- Because of climate change, stream temperatures become warmer, droughts continue to become more frequent and severe, risk of wildfire and post-fire debris flow increases, snowpack decreases but more rain on snow events occur, and summer monsoon rains become more intense.

For each scenario provided in the SSA report, Apache trout core team members indicated in an online survey the overall impact of each scenario on populations across the species' range, or subsets of the range with which they are familiar, using their best professional judgment. Each core team expert responded to survey questions in terms of what the condition—described as a GPA—of each Apache trout population (or currently unoccupied stream) would be, based on the grading scale used to describe current conditions, above, under each of the five future condition scenarios after a 30-year timeframe. GPAs were summarized across populations to assess the influence of each scenario on the rangewide status of Apache trout.

When survey responses of future condition were summarized (averaged) across populations for scenarios 3 and 4 to infer a future rangewide condition of the Apache trout under each scenario, the future condition of the species under scenario 4 (increased management) was expected to improve compared to scenario 3 (sustained management), similar to that of individual populations.

Under scenario 3, which maintains the same level of conservation management and actions as are currently being implemented through the CMP, the condition of the species was estimated at a GPA score of 2.53. This average score, however, includes variation in populations. Under scenario 3, we project the future condition of the majority of the relict populations would modestly decline, resulting in slightly lower resiliency. These declines are attributed to potential impacts from climate change and its effect on forest fires that are not expected to be offset by other management actions (e.g., nonnative trout eradication) which are generally not currently needed in relict populations. On the other hand, we project that some replicate populations would have slightly better condition in the future compared to current conditions due to completion of ongoing nonnative trout eradication efforts (e.g., West Fork Black River [lower]) and

planned replacement of nonfunctional conservation barriers (e.g., West Fork Little Colorado River). Overall, relative to current condition, the species' overall resiliency under scenario 3 may modestly decline. Therefore, even though redundancy would remain the same, representation may be slightly reduced due to the projected decline of the Apache trout relict populations under scenario 3.

Under scenario 4, which evaluates an increased level of conservation management versus what is currently being implemented through the CMP, the future condition of the Apache trout would be essentially unchanged with a GPA score of 2.86. This represents a nominal decrease when compared to the current condition GPA score of 2.89. Under scenario 4, we project slight improvement in future conditions across some populations with other populations remaining essentially unchanged or experiencing slight declines. Some natural processes (e.g., purging of nonnative alleles) and planned management actions not represented in scenarios 3 and 4 (e.g., new population establishment, metapopulation creation) are expected to occur that will further improve specific and range-wide GPA scores. Further, average grant funding to support field crews and conservation projects obtained during 2020–2022 also far exceeds the average annual funding obtained for similar work during the 2000–2020 baseline period. Thus, future condition scores for scenarios 3 and 4 likely underestimate actual future conditions for the species as additional populations are created and maintained, nonnative trout populations are eradicated, and populations with low levels of introgression purge nonnative alleles over time.

Under both scenarios, the CMP plays an important role in determining the species' future condition and the management of threats to Apache trout. The CMP was drafted and signed to ensure that current conservation efforts will continue in perpetuity. The signing of the CMP has a demonstrable effect on the species' overall status with current management level resulting in only a slight and modest decline under scenario 3 (the status quo scenario). Scenario 4, in which funding for conservation efforts would increase, results in maintaining the species' overall future condition. Overall, the result of our future scenarios analysis demonstrates the importance of continued implementation of the CMP to ensure both the maintenance of current populations and habitat, the

restoration of degraded habitat, and the establishment of new populations.

For climate-related threats to Apache trout that are not able to be actively managed, we relied on a model developed to inform the magnitude of effects that these factors might have through the foreseeable future. For increased stream temperatures, our model suggested that most streams currently occupied by Apache trout, or unoccupied but designated as recovery streams, are not temperature limited, and that suitability improved when 2080s projections of temperature alone were considered because some headwater reaches appeared to be currently too cold for occupancy. Most habitat patches were not limited by warm stream temperatures because the habitat designated for species recovery is upstream of protective fish passage barriers that are far enough upstream to not be temperature limiting now or into the 2080s (Avenetti et al. 2006, p. 213; USFWS 2009, p. 19; USFWS 2022b, pp. 118–127). In fact, the effect of temperature on juvenile Apache trout occupancy suggested that streams can be too cold, and model projections of stream temperature in the 2080s increased the amount of suitable habitat in some streams because of the unimodal response to temperature. This suggests cold temperatures can be limiting Apache trout populations in some streams, and any warming may benefit them in headwater reaches—at least up until the 2080s.

It was only when future changes in precipitation were considered in tandem with stream temperature that habitat suitability decreased into the 2080s. Many habitat patches that are currently occupied by the species are projected to remain suitable into the 2080s, which suggests their resiliency is only limited by the size of the patch they currently occupy (Peterson et al. 2014, pp. 564–268; Isaak et al. 2015, pp. 2548–2551; USFWS 2022a, pp. 135–140). However, when projections of reduced precipitation were also considered, habitat suitability decreased in Apache trout streams. This is not surprising given that stream intermittency and drought have impacted some populations in the past (Robinson et al. 2004, pp. 15–17; Williams et al. 2020, entire), and less precipitation, and thus streamflow, would exacerbate these impacts, especially since the Southwest is anticipated to experience novel and mega-drought conditions in future climates (Crausbay et al. 2020, pp.337–348; Williams et al. 2020, entire).

Precipitation in the White Mountains primarily falls as winter snow and

summer monsoon rain (Mock 1996, pp. 1113–1124). However, decreases in precipitation due to climate change are expected to occur in winter in the form of snow (Easterling et al. 2017, p. 207), and decreases in snowpack are likely to negatively impact stream baseflows and summer temperatures. Hydrologic models linked to climate models show future precipitation increasingly falling as rain, higher frequency of rain-on-snow, and increased snowmelt rates, all of which lead to increased overland runoff to streams and less infiltration to groundwater. Less groundwater storage leads to less groundwater discharge to streams in late summer and early autumn (Huntington and Niswonger 2012, pp. 16–18). The summer monsoon season can add precipitation, but at much warmer temperatures regardless of whether it occurs as overland flow or through shallow groundwater discharge pathways.

While snow melt can result in overland flow during spring runoff, it also infiltrates into groundwater and does so at near freezing temperatures (at or just above 0 °C (32 °F); Potter 1991, pp. 847, 850). Thus, any groundwater contributions to streams that originate from snowmelt are likely to have a stronger cooling effect on stream temperatures released over longer time periods than overland flow from either snowmelt or monsoon rains. If snowpack is reduced in the future it is likely that groundwater return flows may occur earlier and be less overall, thus providing less of a cooling effect into late summer, especially prior to monsoon rains (Overpeck and Bonar 2021, pp. 139–141).

Determination of the Apache Trout's Status

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species meets the definition of an endangered species or a threatened species. The Act defines an “endangered species” as a species that is in danger of extinction throughout all or a significant portion of its range, and a “threatened species” as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether a species meets the definition of an endangered species or a threatened species because of any of the following factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) Overutilization for commercial, recreational, scientific, or educational

purposes; (C) Disease or predation; (D) The inadequacy of existing regulatory mechanisms; or (E) Other natural or manmade factors affecting its continued existence.

Status Throughout All of Its Range

The Apache trout is a species endemic to multiple river basins in eastern Arizona. Due to conservation efforts undertaken within these past decades, the Apache trout now encompasses 30 genetically pure populations across 3 basins and 6 subbasins. While these populations will continue to be impacted by potential invasion of nonnative trout and debris runoff from wildfire and climate change, construction and maintenance of conservation barriers and restocking efforts have contributed and will continue to contribute to restoration of habitats and populations. Currently, these 30 Apache trout populations are assessed to possess good conditions (2.89 on a 4.0 grading scale). Within these 30 populations, relict populations have an average GPA of 2.93, and replicate populations have an average GPA of 2.85. These results demonstrate that both types of populations contain moderate to good condition with the relict populations rated slightly higher.

Apache trout representation is best demonstrated within the 17 relict populations across five subbasins. While further studies would need to be conducted to ascertain the genetic uniqueness of each relict population, these populations are not derived from known populations, suggesting that some of these populations could represent unique genetic lineages for the species. To further preserve the genetic diversity of the species, the Service and our partners have established replicate populations within and alongside other subbasins, resulting in the total of 30 populations across six subbasins. As noted above in our resiliency discussion, through continuous monitoring, restoration of habitat, and, if needed, restocking, these populations are rated as being in fair or good condition. The genetic uniqueness of these populations helps maintain the diverse gene pool of the species, giving the species greater adaptive capacity to respond to environmental changes.

The presence of multiple relict and replicate populations across different subbasins demonstrates a high level of redundancy. Redundancy is further enhanced through the creation of new replicate populations from relict populations. These populations are created in adjacent subbasins, providing greater protection for the species against catastrophic events that may impact

individual subbasins. Overall, the presence of 30 populations across six subbasins, with all being rated as fair to good condition, provide the Apache trout with sufficient redundancy to withstand catastrophic events that may impact the species.

Lastly, as noted earlier, we have met all criteria that the recovery plan recommended for delisting. This represents a significant recovery of the species. Recovery plan criteria are meant to function as guidance for recovery rather than hard metrics that must be met. Instead, we use the best available information to determine the status of the species.

Overall, the Apache trout now consists of multiple, sufficiently resilient populations across subbasins encompassing a large percentage of the species' historical range. Furthermore, while long-term threats such as nonnative trout species will continue to persist, continued management of conservation barriers will ensure that the threats do not negatively impact the species. Accordingly, we conclude that the species is not currently in danger of extinction, and thus does not meet the definition of an endangered species, throughout its range.

In considering whether the species meets the definition of a threatened species (likely to become an endangered species within the foreseeable future) throughout its range, we identified the foreseeable future of Apache trout to be 30 years based on our ability to reliably predict the likelihood of future threats as well as the species' response to future threats, and because it is a timeframe in which we can reasonably forecast upcoming management activities as they will be implemented through the CMP. Our analysis of future condition emphasized the importance of continued management of the conservation barriers and removal of nonnative trout. Species viability modestly declined in scenario 3, and increased in scenario 4, due to increases in management efforts. Scenarios 3 and 4 are both scenarios in which the CMP is being implemented. In our assessment, we found that the CMP, while voluntary in nature, plays a vital role in continuing to improve the status of the Apache trout into the future. For example, WMAT, AZGFD, and the USFWS are currently working together to mechanically remove brook trout from the upper West Fork Black River population, including Thompson Creek, in case chemical renovation of this system is not ultimately approved.

This effort represents just one of the ongoing efforts to improve the species' overall condition, as well as the

willingness of Federal, State, Tribal, and private partners to continue these conservation efforts into the future.

Other collaborative conservation efforts include brook and brown trout removal projects, fish passage improvements, riparian habitat restoration projects, and conservation barrier replacements or old barrier removal projects on Tribal, State, and Federal lands. WMAT and the USFWS are currently working to eradicate brown trout from Aspen, Big Bonito, Coyote, Little Bonito, and Little Diamond creeks. All partners are working on fish passage improvements, including removing four conservation barriers on Hayground, Home, and Stinky creeks and replacing six culverts on Paradise and Thompson creeks to improve fish passage, increase occupied extents, and allow for metapopulation dynamics among connected populations. Riparian habitat restoration projects are underway on Boggy and Lofer creeks and being planned for Flash Creek, South Fork Little Colorado River, and West Fork Black River. Finally, conservation barrier replacements are underway that will protect the populations in Aspen, Boggy/Lofer, Coyote, Crooked, Flash, Little Bonito, Little Diamond, Ord, Paradise, and Wohlenberg creeks.

Apache trout populations with high resiliency will continue to be the focus of active habitat management, such as riparian vegetation management and habitat restoration, to improve or ensure their climate resiliency into the 2080s and potentially beyond. Most habitat patches are not currently limited by warm stream temperatures. Habitat designated for Apache trout recovery largely occurs in colder, upstream areas above conservation barriers (Avenetti et al. 2006, p. 213; USFWS 2009, p. 19), and even with increasing stream temperatures through the foreseeable future many of these areas will not be limited by warmer temperatures into the 2080s. As described previously, the effect of temperature on juvenile Apache trout occupancy suggests that many streams can in fact be too cold, and projections of stream temperature into the 2080s in some cases increased the amount of suitable habitat in some streams because of the unimodal response to temperature.

Overall, the signing of the CMP in 2021 ensures that conservation for the Apache trout will remain for the long-term. With the CMP in place and considering future effects from climate change and the response of Apache trout to these effects, we conclude that the Apache trout will exhibit sufficient resiliency, redundancy, and representation to maintain viability for

the foreseeable future. Accordingly, we conclude that the species is not likely to become in danger of extinction in the foreseeable future, and thus does not meet the definition of a threatened species, throughout all of its range.

Status Throughout a Significant Portion of Its Range

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so in the foreseeable future throughout all or a significant portion of its range. Having determined that the Apache trout is not in danger of extinction or likely to become so in the foreseeable future throughout all of its range, we now consider whether it may be in danger of extinction (*i.e.*, endangered) or likely to become so in the foreseeable future (*i.e.*, threatened) in a significant portion of its range—that is, whether there is any portion of the species' range for which both (1) the portion is significant; and, (2) the species is in danger of extinction or likely to become so in the foreseeable future in that portion. Depending on the case, it might be more efficient for us to address the "significance" question or the "status" question first. We can choose to address either question first. Regardless of which question we address first, if we reach a negative answer with respect to the first question that we address, we do not need to evaluate the other question for that portion of the species' range.

In undertaking this analysis for Apache trout, we choose to address the status question first. We began by identifying portions of the range where the biological status of the species may be different from its biological status elsewhere in its range. For this purpose, we considered information pertaining to the geographic distribution of (a) individuals of the species, (b) the threats that the species faces, and (c) the resiliency condition of populations.

We evaluated the range of the Apache trout to determine if the species is in danger of extinction now or likely to become so in the foreseeable future in any portion of its range. Because the range of a species can theoretically be divided into portions in an infinite number of ways, we focused our analysis on portions of the species' range that may meet the definition of an endangered species or a threatened species. Although we assessed current and future conditions at a population scale in the SSA report, interactions between populations within a subbasin can be complex (*i.e.*, in some subbasins, there are genetic exchanges between populations while in others,

populations are separated by barriers). Thus, to assess these portions equally, we focus our analysis here at the subbasin scale. That said, the current and future conditions of the populations will be used to discuss the conditions of the subbasins.

Within these portions, we examined the following threats: invasive trout, habitat loss due to wildfire, and the effects from climate change, including synergistic and cumulative effects. As discussed in our rangewide analyses, nonnative trout and wildfire are the main drivers of the species' status.

Looking across the different subbasins, all but one have the mean GPA of 2.83 or above under its current condition (meaning good conditions under our conditions metric). When examining future conditions, even under the worst-case scenario, with reduced management and no CMP, all but one subbasin have a future condition status of fair. While there are differences in scoring within each subbasin, at the subbasin scales, these subbasins possess sufficient resiliency such that we do not consider them to be in danger of extinction or likely to become so within the foreseeable future. For these subbasins, we assessed them to possess the same status as our rangewide analysis.

Out of all the subbasins of the Apache trout, the Diamond subbasin has the lowest mean GPA of 2.33 under its current condition. However, under future condition, we project the species will slightly decline from its current condition under scenario 3. Under both scenarios 3 and 4, the Diamond subbasin remains on the lower end of the fair rating.

The major driver of a subbasin's status is its habitat condition score. Although future condition scoring does not separate demographic GPA from habitat GPA, we know from the current condition score that the limiting factor for Apache trout within the Diamond subbasin is habitat condition. Three of the four populations within the Diamond subbasin have high demographic GPAs, with high abundance and multiple age classes. However, the scores for habitat quality are 2.33, 2.00, 1.83, and 1.83, due primarily to shorter occupied stream lengths compared to other populations. Additionally, the streams within the Diamond subbasin experience a higher percentage of intermittency, meaning that larger portions of the stream tend to go dry during periods of drought. Given the continuing effects of climate change, it is likely that these streams will experience periods with intermittent

streamflow in some reaches into the future.

Although populations of the Apache trout in the Diamond subbasin are currently rated as being in fair condition, the low habitat quality (primarily due to occupied stream length being less than 11.25 km (7 mi), estimations of intermittent stream proportions, the presence of brown trout, and current barrier conditions) and the potential for decline due to climate change could lead to elevated risk to populations in the foreseeable future in this portion of the range. Work to eradicate (and prevent reinvasion of) brown trout from two streams in this subbasin is underway, which, if successful, would result in higher habitat scores once completed (with all other scores remaining unchanged, the subbasin's average habitat GPA would rise to 2.58 once the work is completed) and would reduce the risk of population declines in this portion of the range (USFWS 2022a, p. 101). However, these actions have not yet significantly improved the status of this subbasin, and we assessed this subbasin to be at elevated risk of extirpation to a degree that this portion of the range may be in danger of extinction within the foreseeable future.

Given that the Diamond subbasin may be in danger of extinction within the foreseeable future, we next evaluated if this portion of the range was significant. Although every subbasin provides some contribution to the species' resiliency, representation, and redundancy, as noted above, the Diamond subbasin populations occupy a short stream length (30.2 km (18.8 mi)) that comprises a small portion of the Apache trout's overall range (10.7 percent of the Apache trout's overall range of 281.5 km (174.9 mi)). Ecologically, the habitats where these populations are found are not dissimilar to habitats found in the other subbasins. As in the other subbasins, Apache trout in the Diamond subbasin are found in headwater streams with shallow depth, relatively slow-moving water, and coarse, clean gravel streambeds.

The Diamond subbasin is comprised of a mixture of replicate and relict populations. Although this subbasin contains relict populations, these and the replicate populations are associated with populations in the neighboring subbasins of North Fork White River and East Fork White River. Specifically, relict populations in the adjacent subbasin were used as founder stocks for the replicate populations in the Diamond subbasin, and the relict population in the Diamond subbasin was used to create a replicate

population in an adjacent subbasin. Thus, through the process of replication of populations, the genetic contribution of the Diamond subbasin is dispersed across other subbasins.

Overall, the Diamond subbasin's short stream length relative to the species' overall range, lack of ecological uniqueness, proximity to other subbasins, and existence of replicate populations lead us to conclude that this portion of the Apache trout's range does not represent a significant portion of the range; therefore, we find that there are no portions of the species' range that warrant further consideration, and the species is not in danger of extinction or likely to become so in the foreseeable future in any significant portion of its range. This does not conflict with the courts' holdings in *Desert Survivors v. Department of the Interior*, 321 F. Supp. 3d 1011, 1070–74 (N.D. Cal. 2018), and *Center for Biological Diversity v. Jewell*, 248 F. Supp. 3d 946, 959 (D. Ariz. 2017) because, in reaching this conclusion, we did not apply the aspects of the Final Policy on Interpretation of the Phrase "Significant Portion of Its Range" in the Endangered Species Act's Definitions of "Endangered Species" and "Threatened Species" (79 FR 37578; July 1, 2014), including the definition of "significant" that those courts' decisions held to be invalid.

Determination of Status

Our review of the best available scientific and commercial information indicates that the Apache trout does not meet the definition of an endangered species or a threatened species in accordance with sections 3(6) and 3(20) of the Act. In accordance with our regulations at 50 CFR 424.11(e)(2) currently in effect, the Apache trout has recovered to the point at which it no longer meets the definition of an endangered species or a threatened species. Therefore, we are removing the Apache trout from the Federal List of Endangered and Threatened Wildlife.

Effects of This Rule

This rule revises 50 CFR 17.11(h) by removing the Apache trout from the Federal List of Endangered and Threatened Wildlife. On the effective date of this rule (see **DATES**, above), the prohibitions and conservation measures provided by the Act, particularly through sections 7 and 9 or any 4(d) rule, will no longer apply to the Apache trout. Federal agencies will no longer be required to consult with the Service under section 7 of the Act in the event that activities they authorize, fund, or carry out may affect the Apache trout.

This rule will also remove the Federal regulations related to the Apache trout's 4(d) rule at 50 CFR 17.44(a).

Post-Delisting Monitoring

Section 4(g)(1) of the Act requires us, in cooperation with the States, to implement a monitoring program for not less than 5 years for all species that have been recovered. Post-delisting monitoring (PDM) refers to activities undertaken to verify that a species delisted due to recovery remains secure from the risk of extinction after the protections of the Act no longer apply. The primary goal of a PDM is to monitor the species to ensure that its status does not deteriorate, and if a decline is detected, to take measures to halt the decline so that proposing it as endangered or threatened is not again needed. If at any time during the monitoring period data indicate that protective status under the Act should be reinstated, we can initiate listing procedures, including, if appropriate, emergency listing.

We have prepared a PDM plan for the Apache trout. We published a notice of availability of a draft PDM plan with the proposed delisting rule (88 FR 54548; August 11, 2023), and we did not receive any comments on the plan. Therefore, we consider the plan final. As discussed in the proposed rule, the PDM plan for Apache trout will monitor populations following the same sampling protocol used by cooperators prior to delisting. Monitoring will consist of tracking Apache trout distribution and abundance and potential adverse changes to Apache trout habitat due to environmental or anthropogenic factors. Post-delisting monitoring will occur for a 10-year period, beginning after the final delisting rule is published, and will include the implementation of (1) Apache Trout Monitoring Plan ("Monitoring Plan," Dauwalter et al. 2017b, entire) and (2) Apache Trout CMP, Apache Trout Cooperative Management Plan Workgroup 2021, entire) for the duration of the PDM period. Both plans are currently being implemented and will continue to be implemented into the future. The Monitoring Plan describes population and habitat survey methods, data evaluation methods, and monitoring frequency for each population. The CMP describes roles, responsibilities, and evaluation and reporting procedures by the cooperators. Together these plans will guide collection and evaluation of pertinent information over the PDM period and will be implemented jointly by the USFWS, WMAT, AZGFD, USFS, and Trout Unlimited. Both documents

will be available upon the publication of this rule at <https://www.regulations.gov>, under the Docket No. FWS-R2-ES-2022-0115.

During the PDM period, if declines in the Apache trout's protected habitat, distribution, or persistence were detected, the Service, together with other PDM partners, would investigate causes of the declines, including considerations of habitat changes, human impacts, stochastic events, or any other significant evidence. The outcome of the investigation would be to determine whether the Apache trout warranted expanded monitoring, additional research, additional habitat protection, or relisting as an endangered or threatened species under the Act. If relisting the Apache trout were warranted, emergency procedures to relist the species may be followed, if necessary, in accordance with section 4(b)(7) of the Act.

Required Determinations

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951, May 4, 1994), Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), the President's memorandum of November 30, 2022 (Uniform Standards for Tribal Consultation; 87 FR 74479, December 5, 2022), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with federally recognized Tribes and Alaska Native Corporations on a government-to-government basis. In accordance with Secretary's Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes.

The Apache trout occurs on area managed by the WMAT. As noted above, we have coordinated with WMAT in conserving and protecting the Apache trout's habitat and populations, and we have coordinating with WMAT throughout the development of the PDM plan. Furthermore, WMAT participated in the development of the SSA. Going forward, we anticipate our partnership

with WMAT to continue into the future regardless of any potential changes in the Apache trout's status under the Act.

References Cited

A complete list of references cited in this rulemaking is available on the internet at <https://www.regulations.gov> and upon request from the Arizona Ecological Services Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this rule are staff members of the Service's Species Assessment Team and the U.S. Fish and Wildlife Service Arizona Fish and Wildlife Conservation Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Plants, Reporting and recordkeeping requirements, Transportation, Wildlife.

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

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

Authority: 16 U.S.C. 1361–1407; 1531–1544; 4201–4245, unless otherwise noted.

§ 17.11 [Amended]

■ 2. In § 17.11, in paragraph (h), amend the List of Endangered and Threatened Wildlife by removing the entry for "Trout, Apache" under "Fishes".

■ 3. In § 17.44, revise the heading of paragraph (a) to read as follows:

§ 17.44 Species-specific rules—fishes.

(a) Lahontan cutthroat trout and Paiute cutthroat trout (*Oncorhynchus clarkii henshawi* and *Oncorhynchus clarkii seleniris*). * * *

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Martha Williams,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2024–19330 Filed 9–5–24; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 231215–0305; RTID 0648–XE259]

Fisheries of the Northeastern United States; Summer Flounder Fishery; 2024 Commercial Quota Harvested for the Commonwealth of Massachusetts

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces that the 2024 summer flounder commercial quota allocated to the Commonwealth of Massachusetts has been harvested. Vessels issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in Massachusetts for the remainder of calendar year 2024, unless additional quota becomes available through a transfer from another state. Regulations governing the summer flounder fishery require publication of this notification to advise Massachusetts that the quota has been harvested, and to advise vessel permit holders and dealer permit holders that no Federal commercial quota is available for landing summer flounder in Massachusetts.

DATES: Effective 0001 hours September 6, 2024, through December 31, 2024.

FOR FURTHER INFORMATION CONTACT: Laura Deighan, (978) 281–9184, or Laura.Deighan@noaa.gov.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found at 50 CFR 648.100 through 648.111. The regulations require annual specification of a commercial quota that is apportioned on a percentage basis among the coastal states from Maine through North Carolina. The process to

set the annual commercial quota and the percent allocated to each state is described in § 648.102.

The commercial quota for summer flounder for 2024 was set equal to 8,789,830 pounds (lb; 3,987,000 kilograms (kg)) (88 FR 88266, December 23, 2023). The amount allocated to vessels landing summer flounder in Massachusetts is 599,507 lb (271,932 kg). Massachusetts received commercial summer flounder quota transfers of 8,186 lb (3,713 kg) (89 FR 15484, March 4, 2024), 490 lb (222 kg) (89 FR 53884, June 28, 2024), and 5,025 lb (2,279 kg) (89 FR 57794, July 16, 2024) from Virginia, and 2,353 lb (1,067 kg) from North Carolina (89 FR 65789, August 13, 2024), resulting in a revised commercial summer flounder quota for Massachusetts of 615,561 lb (279,214 kg).

The NMFS Regional Administrator for the Greater Atlantic Region monitors the state commercial landings and determines when a state's commercial quota has been harvested. NMFS is required to publish notification in the **Federal Register** advising and notifying commercial vessels and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing summer flounder in that state. Based on dealer reports and other available information, the Regional Administrator has determined that the available quota has been harvested. The Massachusetts Division of Marine Fisheries closed the state fishery on August 28, 2024, and this action promotes consistency between state and Federal management measures.

The regulation at 50 CFR 648.103(b) provides that Federal permit holders agree, as a condition of the permit, not to land summer flounder in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective 0001 hours on September 6, 2024, landings summer flounder in Massachusetts by vessels holding

summer flounder commercial Federal fisheries permits are prohibited for the remainder of the 2024 calendar year, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Effective 0001 hours on September 6, 2024, federally permitted dealers are also notified that they may not purchase summer flounder from federally permitted vessels that land in Massachusetts for the remainder of the calendar year, or until additional quota becomes available through a transfer from another state.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest. This action closes the commercial summer flounder fishery for Massachusetts until January 1, 2025, under current regulations. The regulations at 50 CFR 648.103(b) require such action to ensure that summer flounder vessels do not exceed quotas allocated to the states. If implementation of this closure was delayed to solicit prior public comment, the quota for this fishing year will be exceeded, thereby undermining the conservation objectives of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan. The Assistant Administrator further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reason stated above.

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

Dated: September 3, 2024.

Lindsay Fullenkamp,

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

[FR Doc. 2024–20137 Filed 9–3–24; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 89, No. 173

Friday, September 6, 2024

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

FARM CREDIT ADMINISTRATION

12 CFR Part 613

RIN 3052-AD58

Loans to Similar Entities

AGENCY: Farm Credit Administration.

ACTION: Advanced notice of proposed rulemaking.

SUMMARY: The Farm Credit Administration (FCA, our, or we) issues this advanced notice of proposed rulemaking (ANPRM), so interested members of the public may have the opportunity to provide input on how FCA should amend pivotal aspects of its similar entity lending regulations. More specifically, we are focusing on whether and how these regulations could better implement statutory provisions requiring similar entities to engage in activities that are “functionally similar” to the activities of eligible borrowers. We also seek comments about how FCA can ensure that our similar entity regulations are more closely aligned with the Farm Credit System’s (FCS or System) statutory mission to serve agriculture, aquaculture, and specific activities in rural America. Additionally, we request comments pertaining to the determination of whether an entity, or entities within a corporate family can simultaneously qualify as both an eligible borrower and similar entity, as well as on the use of “other extensions of credit” and “other technical and financial assistance” within the similar entity lending authority. We intend to use the comments that we receive from this ANPRM to craft a proposed rule to enhance the clarity and guidance of our similar entity regulations.

DATES: You may send comments on or before December 5, 2024.

ADDRESSES: For accuracy and efficiency, please submit comments by email or through FCA’s website. We do not accept comments submitted by fax because faxes are difficult to process. Also, please do not submit comments

multiple times; submit your comment only once, using one of the following methods:

- Send an email to reg-comm@fca.gov.
- Use the public comment form on our website:
 1. Go to <https://www.fca.gov>.
 2. Click inside the “I want to . . .” field near the top of the page.
 3. Select “comment on a pending regulation” from the dropdown menu.
 4. Click “Go.” This takes you to the comment form.

• Send the comment by mail to the following:

Autumn R. Agans, Deputy Director, Office of Regulatory Policy, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090.

We post all comments on the FCA website. We will show your comments as submitted, including any supporting information; however, for technical reasons, we may omit items such as logos and special characters. Personal information that you provide, such as phone numbers and addresses, will be publicly available. However, we will attempt to remove email addresses to help reduce internet spam.

To review comments on our website, go to <https://www.fca.gov> and follow these steps:

1. Click inside the “I want to . . .” field near the top of the page.
2. Select “find comments on a pending regulation” from the dropdown menu.
3. Click “Go.” This will take you to a list of regulatory projects.
4. Select the project in which you’re interested. If we have received comments on that project, you will see a list of links to the individual comments.

You may also review comments at the FCA office in McLean, Virginia. Please call us at (703) 883-4056 or email us at reg-comm@fca.gov to make an appointment.

FOR FURTHER INFORMATION CONTACT:

Technical Information: Luke Gallegos, Senior Policy Analyst, Office of Regulatory Policy, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4414, TTY (703) 883-4056, or ORPMailbox@fca.gov; or

Legal Information: Richard Katz, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4085, TTY (703) 883-4056, or

Karen Hunter, Attorney Advisor, Office of General Counsel, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4147, TTY (703) 883-4056.

SUPPLEMENTARY INFORMATION:

I. Objective

The purpose of this ANPRM is to gather public input on how FCA might revise similar entity regulations to:

- Clarify what activities of similar entities would be considered “functionally similar” to the activities of eligible borrowers, as the statute requires.
- Determine how similar entity transactions are consistent with the System’s mission.
- Ensure eligibility determination for prospective similar entities belonging to corporate families that have parents, subsidiaries, affiliates, and other related entities is consistently applied.
- Clarify what is required to support and document the determination of a prospective borrower as a qualified similar entity.
- Determine what financial instruments, including bonds, might qualify as “other extensions of credit” and “other technical and financial assistance” within the statutory and regulatory similar entity provisions.

II. Background

Sections 3.1(11)(B) and 4.18A of the Farm Credit Act of 1971, as amended (Act), authorize banks for cooperatives,¹ Farm Credit Banks, and direct lender associations to participate in loans to similar entities. Congress added these sections granting this authority in 1992 and 1994.

Section 502 of the Farm Credit Banks and Associations Safety and Soundness Act of 1992² added Section 3.1(11)(B), which granted FCS banks operating

¹ With one exception, all provisions of the Act governing title III banks only refer to “bank(s) for cooperatives.” Section 7.0 of the Act allows Farm Credit Banks and banks for cooperative to merge. FCA regulations designate such merged banks as “agricultural credit banks.” Before the Agricultural Credit Act of 1987 added section 7.0 to the Act, there were 12 regional banks for cooperatives and a Central Bank for Cooperatives. Over time, all 13 banks for cooperatives merged into CoBank, which is the only FCS institution operating under title III of the Act. Several Farm Credit Banks also merged into CoBank, which now is the only agricultural credit bank in the FCS.

² See Public Law 102-552, 502, 106 Stat. 4130, (Oct. 28, 1992).

under title III of the Act authority to participate in loans that non-System lenders originated for similar entities under certain conditions. In 1994, section 5 of the Farm Credit System Agricultural Export and Risk Management Act³ added 4.18A, which expanded similar entity authority to System banks and associations that operate under titles I and II of the Act.

The similar entity provisions of the Act authorize FCS banks and associations to participate in multi-lender credits that non-System lenders originate for parties who are not eligible for loans from System lending institutions. Under the statute, qualified similar entities derive a majority of their income from, or have a majority of their assets invested in, the conduct of activities that are functionally similar to the activities of eligible borrowers. The applicable statutory provisions also specify that each System bank or association may participate in any loan of the type that it is authorized to make under titles I, II, or III of the Act, respectively. As explained in greater detail below, section 3.1(11)(B)(iii) of the Act establishes a broad and unique definition of “participate” and “participation” that applies only to similar entity transactions in which System lenders engage. Finally, similar entity participations are subject to: (1) an obligor limit of 10 percent of an FCS institution’s total capital for a single credit risk, (2) a limit of less than 50 percent of the principal amount of each loan in which System lenders, individually, or collectively participate, and (3) a portfolio cap of 15 percent of the total assets of each System bank or association.

After Congress granted similar entity authority to the System, FCA enacted a new implementing regulation, § 613.3300.⁴ Our similar entity regulation closely aligns with the text of sections 3.1(11)(B) and 4.18A of the Act. Similar entity lending is unique to the FCS and involves a complex and multi-faceted process to properly determine if an applicant qualifies for similar entity status. With this in mind, FCA decided to initiate a rulemaking to provide further direction as to which borrowers and activities fall within the System’s similar entity authority, and to provide clearer guidance to all stakeholders. This ANPRM is the first stage of this rulemaking, which seeks public comment to assist FCA in clarifying the intricacies involved in determining

whether an applicant qualifies as a similar entity.

Our regulation, § 613.3300(b), establishes three criteria for a similar entity transaction. The first part of this regulatory provision states that a Farm Credit bank or direct lender association may “participate” in a similar entity transaction with a non-FCS lender. As defined in § 613.3300(a)(1), the term “participate” or “participation,” for the purpose of similar entity lending, refers to multi-lender transactions including syndications, assignments, loan participations, subparticipations, other forms of the purchase, sale, or transfer of interest in loans, or other extensions of credit, or other technical and financial assistance. Therefore, for a similar entity transaction to enter the System it must be a participation as defined above, and System banks and associations must participate with one or more non-FCS lenders. Additionally, the System institution(s) participation interest in the transaction must not, at any time, equal or exceed 50 percent of the principal amount.

The second criterion that § 613.3300(b) establishes for any similar entity transaction is that a prospective borrower is ineligible to receive a loan from a System bank or association under part 613, subparts A and B. This part of § 613.3300(b) derives from § 613.3300(a)(2), which defines a similar entity as an ineligible party whose operations are functionally similar to the activities of eligible borrowers. The functionally similar activity is the foundational component for determining whether an ineligible party qualifies as a similar entity. System banks and associations that want to participate in such credits must engage in considerable analysis, support, and documentation to mitigate associated risks including, but not limited to, credit, reputational, legal, and financial.

The third criterion that § 613.3300(b) establishes for a similar entity transaction is that the loan purpose must be similar to those for which an eligible borrower could obtain financing from the participating FCS institution. This part relates to the similar entity definition in § 613.3300(a)(2), which ties a similar entity’s activities to those performed by an eligible FCS borrower.

III. Request for Comments

We request and encourage any interested person to submit comments on the questions below, and we ask that you support your comments with relevant information, data, or examples. We remind commenters that their comment letters and supporting

documentation will be available to the public.

We have organized our questions to address the following: (1) the appropriate criteria used to determine whether the activities of a similar entity are “functionally similar” to those of eligible borrowers, (2) the extent to which a prospective similar entity’s activities are consistent with the FCS’s statutory mission to extend credit and provide related services to agriculture and other eligible borrowers in rural communities, (3) the complexities of determining eligibility for corporate families that have parents, subsidiaries, affiliates, and other related entities, and (4) the appropriate scope of “other extensions of credit or other technical and financial assistance” within similar entity lending authorities.

A. Functionally Similar Activity

As explained earlier, the term “similar entity” is defined in the Act as a person or entity⁵ that is not eligible for a loan from a Farm Credit bank or association but has operations that are functionally similar to a person who is eligible for a loan from the Farm Credit bank or association. In addition, the person or entity is required to derive a majority of its income from, or have a majority of its assets invested in, the conduct of activities that are functionally similar to the activities that are conducted by an eligible person. There are essentially two parts to this definition:

1. The “majority of income or assets invested” requirement, which refers to the similar entity (ineligible party).

2. The “conduct of activities that are performed by eligible borrowers” requirement, which refers to the ineligible party’s operations that are functionally similar to the activities of eligible Farm Credit borrowers.

For a person or entity to qualify as a similar entity, both parts of the definition must be met. The first part of the definition is clear on the qualification requirement to derive a majority of its income from, or have a majority of its assets, invested in functionally similar activities. The common, everyday meaning of the term “majority” is an amount that is greater than 50 percent.⁶ However, we would

⁵ As defined in 4.18A of the Act. See FCA Regulation § 613.3000(a)(3) for the definition of a person. Section 3.1(11)(B) of the Act includes the term “entity” in the definition.

⁶ Under the rules of statutory construction developed by the Federal courts, words of a statute are interpreted according to their “ordinary, contemporary, common meaning,” unless Congress clearly expressed a different intent. See *Pioneer Investment Service Co. v. Brunswick Associates Ltd Partnership*, 507 U.S. 380, 388 (1993) Since

³ See Public Law 103–376, 5, 108 Stat. 3498, (Oct. 19, 1994).

⁴ See 60 FR 47103 (Sept. 11, 1995); 61 FR 42902 (Aug. 13, 1996); 62 FR 4429 (Jan. 30, 1997).

like to receive your input on what criteria should be used to determine what qualifies an activity as “functionally similar.”

The term “functionally similar” refers to the function of activities performed by an ineligible person or entity which are consistent with the activities performed by an eligible borrower. The activities related to the scope of financing for which an eligible borrower can receive financing tie directly back to the requirements set forth in FCA Regulation Part 613, subpart A and B, except for rural home financing (§ 613.3030).⁷ The function of activities performed by a qualified similar entity are intended to align with the requirements under titles I, II, and III of the Act. Therefore, the differentiating factor between a similar entity and eligible borrower is in the eligibility status of the person or entity. For example, a person or entity that primarily processes or markets agricultural product(s) but does not meet the throughput or ownership requirements set forth in FCA regulation § 613.3010, would sufficiently qualify the “functionally similar” activity aspect of a similar entity through their processing or marketing of agricultural products.⁸ However, if the same person or entity primarily processes and markets non-agricultural products, the activity does not seem “functionally similar” to the activities of eligible borrowers and, therefore, would not qualify as a similar entity. An entity that is neither a cooperative, nor its affiliated entity, but has activities that are functionally similar to processing and marketing, supply, or business service cooperatives (or their subsidiaries or

Congress did not prescribe a specific definition of “majority” of income or assets for functionally similar borrowers, we would interpret this term in accordance with its ordinary, contemporary, common meaning. Therefore, majority would mean most of the income derived or most of the assets must be invested in activities that are functionally similar to eligible borrowers.

⁷ Section 4.18A(b)(4) of the Act specifically states that borrowers who are not eligible for non-farm rural homes under sections 1.11(b) and 2.4(a)(2) of the Act do not qualify as similar entities. This is also reflected in FCA’s similar entity regulation, § 613.3300(b), which does not cross-reference § 613.3030, which governs eligibility and scope of financing for rural homeowners who are not farmers or ranchers.

⁸ Determining whether processing and marketing activities of prospective similar entities are functionally similar to those of eligible borrowers may depend, to some extent, on how close the activities are to basic processing of raw agricultural commodities. For example, most restaurants and grocery stores that primarily engage in the retail sale of finished food products to consumers, most likely, would not derive most of their income from, or have most of their assets invested in activities that are functionally similar to those of eligible borrowers.

affiliates) under § 613.3100(a)(1) could qualify as a similar entity depending on the connection of these activities to farmers, ranchers, or producers/harvesters of aquatic products.⁹ We note that a prospective similar entity applicant that predominantly engages in activities or operations that are not functionally similar to the activities of eligible farmers, ranchers, aquatic producers and harvesters, their cooperatives, farm-related service business, or rural utilities, would not qualify for FCS credit under section 3.1(11)(B) or 4.18A of the Act, and § 613.3300.

As noted above, we seek your input on what activities could determine functional similarity when evaluating whether an applicant qualifies as a similar entity. As such, we seek comment on the following questions:

1. What quantitative and qualitative criteria are being used or being considered for determining a “functionally similar” activity of an eligible borrower?
2. Could there be different factors based on market segments (e.g., industry, commodity, regional markets, etc.) that would necessitate differentiating criteria used to determine a “functionally similar” activity? If so, what factors should be considered?
3. How far could an activity (such as processing and marketing, including packaging), be removed from agricultural production and harvesting, and basic processing of raw products and still qualify as a “functionally similar” activity of a similar entity?
4. What would be the most effective way to document how the activities of both an eligible borrower and a similar entity are determined to be functionally similar?

B. Similar Entity Consistency With FCS Mission

Congress established the similar entity authority to provide System institutions and non-System lenders with a tool to manage risk.¹⁰ By lending to similar entities, System institutions can reduce geographic, industry, or individual borrower concentrations in their portfolios, and improve the results of their operations. The limits placed on

⁹ This example is specific to title III cooperative lending and is not intended to speak to title I or II lending authorities (i.e., FCA regulations §§ 613.3010 and 613.3020).

¹⁰ A passage in the legislative history states, “the act authorizes member lenders of the Farm Credit System—a government-sponsored enterprise (GSE)—and the Nation’s private banks to participate together in multi-lender transactions for the purpose of improving loan management capability and reducing concentration of risk.” See statement by Sen. Leahy Cong. Rec. S 14235 (Oct. 5, 1994).

System banks and associations in the Act reinforce the expectation that this authority be used prudently and thoughtfully. The similar entity authority should not diminish the System’s primary mission as a lender to American farmers, ranchers, aquatic producers and harvesters, their cooperatives, and other eligible borrowers in rural America. Consistency between the similar entity’s functionally similar activity and loan purposes that align with the FCS mission is a fundamental component in determining similar entity qualification, as well as significantly reducing the System’s potential exposure to reputation risk. Consistency with the FCS mission and reduction of reputation risk exposure can be accomplished when the functionally similar activity and loan purpose demonstrate a clear direct benefit to American agriculture or certain activities in rural America and is appropriately documented. We would like to receive your input on the connection between similar entity lending authorities and the FCS mission.

When a similar entity’s functionally similar operation(s) consist of producing, processing, or marketing a commodity or product, the expectation would be that an FCS bank or association evaluate how this activity advances the System’s statutory mission to extend credit to American agriculture. This evaluation would include an assessment of a prospective similar entity’s product mix, product ingredients, or inputs to ensure there is a primary benefit to American agriculture. A person or entity that primarily processes or markets product(s) that may not necessarily be considered agricultural products at face-value but contain agricultural ingredients (e.g., beverages, further processed foods, and other consumer packaged goods, etc.) may still qualify as a similar entity depending on the ingredients or inputs of the product. For example, a similar entity’s operation whose functionally similar activity is producing a snack food that contains ingredients that are both primarily agricultural products (i.e., milk, wheat, soy) and primarily sourced from U.S. farmers¹¹ would likely be considered a direct benefit to American agriculture. However, if the total ingredients of the product (e.g., snack foods, soft drinks, or energy drinks) are not primarily agricultural ingredients, or if those same

¹¹ This would include sourcing directly from agricultural producers or food hubs, cooperatives, and other entities that market or store agricultural goods directly from producers.

agricultural ingredients were primarily sourced from non-U.S. farmers, there may be a question regarding the direct benefit to American agriculture.

Another area where the FCS's mission focuses on a direct benefit to rural America arises in lending to rural utilities under sections 3.7(f) and 3.8(b)(1)(A) of the Act. Both sections of the Act require the utility to serve rural areas in America. Section 3.7(f) authorizes lending to entities for the purpose of installing, maintaining, expanding, improving, and operating water and waste disposal facilities in rural areas¹² with populations of 20,000 inhabitants or less. Section 3.8(b)(1)(A) authorizes lending to an electric or telecommunications utility that has received a loan, loan commitment, or loan guarantee from the Rural Utilities Service (RUS) or is eligible for such credit under the Rural Electrification Act of 1936 (REA). When a utility does not provide electric, telecommunications, water, or waste management services in rural areas, questions most likely will arise about whether a title III bank is fulfilling its statutory mission to extend credit in America's rural communities.

The FCS is committed to the success of American agriculture through its support of rural communities and agriculture with reliable and consistent credit and financial services. Section 1.1 of the Act acknowledges the need for credit in rural areas and states the objective of improving the income and well-being of American farmers and ranchers. As mentioned in subsection (A) above, the functionally similar activity directly ties the ineligible person or entity to an eligible borrower and the FCS mission. As such, we seek comment on the following questions:

1. What criteria would indicate that a similar entity's functionally similar operation(s) is most likely to benefit American agriculture or other activities in rural communities that are consistent with the lending authorities of FCS banks and associations?

a. What criteria and controls should we consider in a prospective rulemaking to ensure that similar entity lending is consistent with the scope of financing for loans to eligible borrowers?

b. Under what circumstances would an activity such as processing/marketing or packaging be allowed to deviate away from being related to American agricultural goods or products?

¹² More specifically, pursuant to section 3.7(f), a rural area is defined as "all territory of a state that is not within the outer boundary of any city or town having a population of more than 20,000 based on the latest decennial census of the United States."

c. What consideration should be given to the ingredients of a similar entity's product(s) to ensure benefit to American agriculture?

i. What percentage of ingredients from the product(s) being produced should be composed of agricultural inputs?

ii. What percentage of sourced ingredients or inputs should come from U.S. farmers, ranchers, or producers of aquatic products?

iii. Under what circumstances could primarily sourcing ingredients from outside the U.S. benefit American agriculture?

d. To what extent could a water or waste facility that operates in areas with more than 20,000 inhabitants pursuant to the requirements of 3.7(f) qualify as a similar entity? What limitations should be required to ensure that such lending is compatible with the FCS mission to provide water and waste facilities in rural communities?

e. To what extent could an electric or telecommunications utility that is not eligible to borrow under section 3.8(b)(1)(A) of the Act qualify as a similar entity?

f. To what degree do utilities that are not directly eligible under title III need to provide public utility services to rural communities to be considered a similar entity?

2. What would be the most effective way to document how a similar entity's functionally similar activities/operations benefit either American agriculture or rural communities?

C. Parents, Subsidiaries, and Affiliates

Sections 3.1(11)(B)(ii) and 4.18A of the Act provide the authority for System institutions to participate in loans to a similar entity. "Similar entity" is defined as an entity that is not eligible for a loan from a Farm Credit bank or association but is functionally similar to an eligible entity. We note that it is difficult to envision a situation in which a singular entity can be both an eligible borrower and a similar entity at the same time.

Many legal entities are in corporate families that have parents, subsidiaries, affiliates, and other related entities. We are exploring whether more clarity is needed in the similar entity regulation to properly determine which entities in a multi-organizational structure qualify as similar entities. As such, we seek comment on the following questions:

1. Under what circumstances could a single entity simultaneously qualify as both an eligible borrower and similar entity (ineligible party)?

2. Under what circumstances could an entity in a corporate family (multi-organizational structure) qualify as a

similar entity if another entity within the same corporate family is eligible to borrow, and vice versa? Please explain your reasoning and provide supporting information and suggestions.

3. What criteria or requirements (e.g., corporate, operational, or financial interdependence) should our regulations place on the various entities in corporate families to ensure that the System only extends credit to qualified similar entities that meet the income, asset, and functionally similar requirements of the Act?

D. Incorporation of "Other Extensions of Credit" Within Similar Entity Lending Authorities

Section 3.1(11)(B)(iii) of the Act refers to multi-lender transactions which include, "other extensions of credit, or other technical and financial assistance" under the definition of "participate" or "participation" for similar entity credits.

We ask for your input on what may fall within the interpretation of "other extensions of credit" and "other technical and financial assistance," including specifically whether and when bonds may be included as part of "other extensions of credit." As such, we seek comment on the following questions:

1. What factors would your institutions consider as part of the credit evaluation process if participating in bonds through similar entity authorities?

a. What is the difference, if any, in the factors or credit evaluation process that should be considered if purchasing bonds on the secondary market versus participating in direct offerings?

b. How would you ensure compliance with the similar entity qualification and loan purpose requirements as outlined in § 613.3300(b)?

c. If purchased on the secondary market, how would you monitor compliance with the statutory lending limits in § 613.3300(c) and ensure the selling party is a non-FCS lender with authority to extend credit?

2. Are there any instruments, other than bonds, that would qualify as "other extensions of credit" that FCS institutions are utilizing, or are considering utilizing, within the similar entity lending authorities?

a. If so, what types of financial instruments are being used or considered?

b. What is the existing, or proposed structure of such instruments and what criteria and controls are being, or could be used to ensure safety and soundness?

3. What would qualify as "other technical and financial assistance" that

FCS institutions are utilizing, or considering utilizing, within the similar entity lending authorities?

Miscellaneous

Finally, are there any other issues pertaining to similar entity lending authorities that you think should be addressed in the next phases of this rulemaking that we have not raised in this ANPRM?

Dated: August 29, 2024.

Ashley Waldron,

Secretary to the Board, Farm Credit Administration.

[FR Doc. 2024-19805 Filed 9-5-24; 8:45 am]

BILLING CODE 6705-01-P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 126

Tribal Consultation for HUBZone Program Updates and Clarifications and Potential Reforms

AGENCY: U.S. Small Business Administration.

ACTION: Notification of Tribal consultation meeting; request for comments.

SUMMARY: The U.S. Small Business Administration (SBA or Agency) announces that it is holding a Tribal consultation meeting in Washington, DC, concerning forthcoming proposed revisions to the Historically Underutilized Business Zone (HUBZone) program regulations. The proposed rule would amend the 8(a) Business Development (BD) and size regulations to clarify certain policies. Additionally, SBA requests comments and input on how best to implement the Executive order entitled “Reforming Federal Funding and Support for Tribal Nations To Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination,” which, among other things, calls on agencies to increase the accessibility, equity, flexibility, and utility of Federal funding and support programs for Tribal Nations. SBA is also seeking comments on prospective policy changes addressing joint venture participation in SBA’s programs. Testimony presented at this Tribal consultation will become part of the administrative record for SBA’s consideration when the Agency deliberates on approaches to changes in the HUBZone and 8(a) BD program regulations.

DATES: The meeting is Monday, September 23, 2024, 2 p.m. to 5 p.m. (Eastern Daylight Time (EDT)). Pre-

registration for this Tribal consultation meeting is requested by September 16, 2024.

ADDRESSES:

Meeting Locations:

1. The in-person Tribal consultation meeting in Washington, DC will be held at SBA Headquarters, 409 Third Street SW, Washington, DC 20416.

2. The virtual portion of the Tribal consultation meeting will be hosted on Microsoft Teams. A subscription to Microsoft Teams is not required to participate. SBA will provide further information, including a direct invitation link to the meeting, upon registration.

Commenters and attendees may participate in-person or remotely at this consultation meeting.

Pre-registration: Send pre-registration requests to attend and/or testify to Chequita Carter of SBA’s Office of Native American Affairs, U.S. Small Business Administration, 409 3rd Street SW, Washington, DC 20416; *Chequita.Carter@sba.gov*; or Facsimile to (202) 481-2177.

Comments: You may submit comments by any of the following methods:

- *Email:* to Jackson S. Brossy, Assistant Administrator, Office of Native American Affairs, U.S. Small Business Administration, at *tribalconsultation@sba.gov*.
- *Mail (for paper, disk, or CD-ROM submissions):* to Jackson S. Brossy, Assistant Administrator, Office of Native American Affairs, U.S. Small Business Administration, 409 3rd Street SW, Washington, DC 20416.

Instructions: All submissions received will become part of the administrative record for any rulemaking resulting from these Tribal consultation meetings and listening session. As such, comments received may be posted on <https://www.regulations.gov>. If you wish to submit confidential business information (CBI) as defined in the User Notice at <https://www.regulations.gov>, please submit the comments to Jackson S. Brossy and highlight the information that you consider to be CBI and explain why you believe this information should be held confidential. SBA will make a final determination as to whether the comments will be published.

FOR FURTHER INFORMATION CONTACT:

Chequita Carter, Program Assistant for SBA’s Office of Native American Affairs, at *Chequita.Carter@sba.gov* or (202) 205-6680 or by facsimile to (202) 481-2177. This phone number can also be reached by individuals who are deaf or hard of hearing, or who have speech

disabilities, through the Federal Communications Commission’s TTY-Based Telecommunications Relay Service teletype service at 711.

SUPPLEMENTARY INFORMATION:

I. Background

SBA issued a proposed rule concerning the HUBZone program regulations under RIN 3245-AH68. 89 FR 68274 (Aug. 23, 2024). The proposed rule is intended to clarify and improve several regulatory provisions, including those governing HUBZone contract eligibility. The proposed rule would also make several changes to SBA’s size and 8(a) Business Development (BD) program regulations. In particular, the rulemaking would consolidate and redesignate the separate recertification requirements for SBA’s size, 8(a) BD, HUBZone, Woman-Owned Small Business, and Service-Disabled Veteran-Owned Small Business programs to a new section to reduce confusion and to ensure consistent application of the size and status recertification requirements. SBA anticipates the proposed rule will be published prior to the Tribal consultation meeting announced in this document.

In addition to the above referenced regulatory proposals, SBA is asking for input on how best to implement Executive Order (E.O.) 14112, Reforming Federal Funding and Support for Tribal Nations To Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination, which was signed by the President on December 6, 2023. This E.O. directs agencies to identify and execute policy reforms designed to promote accessible, equitable, and flexible administration of Federal funding and support programs for Tribal Nations to better live up to the Federal Government’s trust responsibilities and help address the needs of all Tribal Nations. SBA has identified several potential opportunities for improvement, including the current requirements for personal guarantees and a waiver of sovereign immunity for 7(a) loans to tribally-owned business concerns, as well as the match funding requirement applicable to grants awarded by Native-serving entrepreneurship organizations, such as Small Business Development Centers and Community Development Financial Institutions. SBA is seeking comments on these and other potential reforms to reduce burdens and improve the accessibility of SBA’s programs for Tribal stakeholders. Additionally, the Agency requests input on a change SBA has already made to address the

business and economic development needs of Tribal Nations. Specifically, SBA's Assistant Administrator for Native American Affairs (ONAA)—who previously reported to the Associate Administrator for the Office of Entrepreneurial Development—now reports directly to the SBA Administrator. SBA would like to better understand whether Tribal Nations wish to continue with this current organization and reporting structure.

Lastly, SBA is requesting comments on other prospective policy changes addressing joint venture participation in SBA programs. Any such policy changes would be addressed in a separate proposed rulemaking action after considering comments and testimony from this tribal consultation meeting. Specifically, SBA is seeking input on the perception that mentor-protégé joint ventures are winning an inordinate number of orders issued under small business multiple award contracts and seeks suggestions on how to incentivize a more equitable marketplace for individual small businesses who compete against mentor-protégé joint ventures for multiple award, small business contracts. There is also a perception that small businesses often enter joint ventures to seek multiple award contract awards because procuring agency past performance and experience requirements make it difficult for many small businesses to qualify for the awards individually. SBA is considering whether to propose eliminating the exception to affiliation between an SBA-approved mentor and its protégé for multiple award contracts to address this concern. Such a change would continue to allow joint ventures to seek and be awarded single award small business contracts, but would make joint ventures ineligible for multiple award contracts. If that would occur, SBA would expect the past performance and experience required for award of future multiple award contracts to be adjusted to allow individual small businesses to more easily qualify for award.

Another potential approach would be to allow an exclusion from affiliation for a joint venture between a protégé firm and its mentor only for contracts or orders that do not exceed five years. As SBA has previously stated, SBA believes that a joint venture should not be an ongoing entity, but something with limited scope and limited duration. Thus, SBA has limited the duration that a joint venture can submit offers for the award of contracts to two years from the date of its first contract award. SBA is questioning whether a joint venture performing a contract or order that

exceeds five years is truly a limited duration entity.

Specific to qualified HUBZone protégé firms participating in the Mentor-Protégé Program, SBA is considering steps to clarify the applicability of the HUBZone price evaluation preference to HUBZone joint ventures formed under the Mentor-Protégé Program. Under the HUBZone price evaluation preference, where a procuring agency will award a contract on an unrestricted basis (*i.e.*, full and open competition), the agency must deem the price offered by a certified HUBZone small business concern (including a HUBZone joint venture that complies with the requirements of § 126.616) to be lower than the price offered by an apparent successful large business offeror if the price offered by the certified HUBZone small business concern is not more than 10% higher than the price offered by the large business. SBA is requesting comments and input on whether it is appropriate for a HUBZone mentor-protégé joint venture to benefit from the HUBZone price evaluation preference when the joint venture is already benefitting from its large business mentor's lower cost structures and pricing. SBA is considering whether to propose eliminating the HUBZone price evaluation preference's applicability to all joint ventures formed under the Mentor-Protégé Program or, alternatively, to offer submitting by a HUBZone joint venture where the mentor exceeds the applicable size standard corresponding to the North American Industry Classification System (NAICS) code assigned to the contract.

II. Tribal Consultation Meeting

The purpose of this Tribal consultation meeting is to conform to the requirements of E.O. 13175, Consultation and Coordination With Indian Tribal Governments (65 FR 67249), and SBA's Tribal Consultation Policy (<https://www.sba.gov/document/support-sba-tribal-consultation-policy>); to provide interested parties with an opportunity to discuss their views on the issues; and for SBA to obtain the views of SBA's stakeholders on approaches to the HUBZone and 8(a) BD regulations. SBA considers Tribal consultation meetings a valuable component of its deliberations and believes that this Tribal consultation meeting will allow for constructive dialogue with the Tribal community, Tribal Leaders, Tribal Elders, elected members of Alaska Native Villages or their appointed representatives, and principals of tribally-owned and Alaska

Native Corporation (ANC)-owned firms participating in the 8(a) BD program.

The format of this Tribal consultation meetings will consist of a panel of SBA representatives who will preside over the session. The oral and written testimony as well as any comments SBA receives will become part of the administrative record for SBA's consideration. Written testimony may be submitted in lieu of oral testimony. SBA will analyze the testimony, both oral and written, along with any written comments received. SBA officials may ask questions of a presenter to clarify or further explain the testimony. The purpose of the Tribal consultation is to assist SBA with gathering information to guide SBA's review process and to potentially develop new proposals. SBA requests that the comments pertain to SBA's planned rulemaking concerning the HUBZone and 8(a) BD programs, general issues as they pertain to the HUBZone and 8(a) BD regulations, opportunities for reform under E.O. 14112, or the unique concerns of the Tribal communities. Presenters are encouraged to provide a written copy of their testimony. SBA will accept written material that the presenter wishes to provide that further supplements his or her testimony. Electronic or digitized copies are encouraged.

The hybrid meeting in Washington, DC will begin at 2 p.m. and end at 5 p.m. (EDT). All registered speakers will have an opportunity to provide testimony. SBA may adjourn early if all those scheduled have delivered their testimony.

III. Registration

SBA respectfully requests that any elected or appointed representative of the Tribal communities or principal of a tribally-owned, ANC-owned, or Native Hawaiian Organization (NHO)-owned 8(a) firm that is interested in attending please pre-register in advance and indicate whether you would like to testify at the hearing. Pre-registration is not required for attendance at either the in-person or virtual portion of the consultation meeting and the Microsoft Teams invitation link for the virtual consultation meeting is a general link that may be shared with others. However, attendees of the virtual consultation meeting who would like to receive the link directly from SBA must pre-register. SBA requests that attendees register with SBA no later than: September 16, 2024. To register, please contact Chequita Carter of SBA's Office of Native American Affairs in writing at Chequita.Carter@sba.gov or by facsimile to (202) 481-2177. If you are interested in testifying, please include the

following information relating to the person testifying: Name, Organization affiliation, Address, Telephone number, Email address and Fax number. SBA will attempt to accommodate all interested parties that wish to present testimony. Based on the number of registrants it may be necessary to impose time limits to ensure that everyone who wishes to testify has the opportunity to do so. SBA will confirm in writing the registration of presenters and attendees.

IV. Information on Service for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the Tribal consultation meeting, contact Chequita Carter at the telephone number or email address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this document.

Authority: 15 U.S.C. 634 and E.O. 13175, 65 FR 67249.

Jackson S. Brossy,

Assistant Administrator, Office of Native American Affairs.

[FR Doc. 2024-19859 Filed 9-5-24; 8:45 am]

BILLING CODE 8026-09-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2024-1931; Airspace Docket No. 24-AEA-10]

RIN 2120-AA66

Amendment of Class E Airspace; Martinsburg, WV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E Surface airspace within a 4.2-mile radius of Eastern West Virginia Regional/Shepherd Field Airport by updating the airport coordinates and description formatting to comply with FAA Orders and databases. This action would not change the airspace boundaries or operating requirements.

DATES: Comments must be received on or before October 21, 2024.

ADDRESSES: Send comments identified by FAA Docket No. FAA-2024-1931 and Airspace Docket No. 24-AEA-10 using any of the following methods:

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

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

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

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

Docket: Background documents or comments received may be read at www.regulations.gov at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except for Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Joseph Kann, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305-5576.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would update the geographic coordinates and the airspace description of Eastern WV

Regional Airport, Martinsburg, WV. An airspace evaluation determined that this update is necessary to support IFR operations in the area.

Comments Invited

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

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

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

Availability of Rulemaking Documents

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Operations Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except for Federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday

through Friday, except on federal holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Incorporation by Reference

Class E airspace designations are published in Paragraph 6000 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. These updates will be published in the next update to FAA Order JO 7400.11. That order is publicly available as listed in the **ADDRESSES** section of this document.

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

The Proposal

The FAA proposes an amendment to 14 CFR part 71 to amend Class E Surface airspace within a 4.2-mile radius of Eastern West Virginia Regional/Shepherd Field Airport by updating the airport coordinates and formatting to comply with FAA Orders and databases. This action would also remove the city name from the second line of the header as per FAA Order JO 7400.2. The legal description was updated by referencing “Notice to Air Missions” (previously “Notice to Airmen”) and “Chart Supplement” (previously “Airport/Facility Directory”). This action would not change the airspace boundaries or operating requirements.

Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

Regulatory Notices and Analyses

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

promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

- 1. The authority citation for part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 6002 Class E Surface Airspace.

* * * * *

AEA WV E2 Martinsburg, WV

Eastern West Virginia Regional/Shepherd Field Airport, WV
(Lat 39°24'08" N, long 77°58'59" W)

That airspace extending upward from the surface within a 4.2-mile radius of Eastern West Virginia Regional/Shepherd Field Airport. This Class E Surface airspace area is effective during the specific dates and times established in advance by a Notice to Air Mission. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

Issued in College Park, Georgia, on August 30, 2024.

Patrick Young,

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

[FR Doc. 2024–20077 Filed 9–5–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 5

[Docket No. FR–6464–P–01]

RIN 2501–AE11

Adoption of 2020 Core Based Statistical Area Standards

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

ACTION: Proposed rule.

SUMMARY: This proposed rule would adopt the 2020 Core Based Statistical Area (CBSA) standards as determined by the Office of Management and Budget (OMB). The Metropolitan Areas Protection and Standardization Act of 2021 (MAPS Act) requires agencies that propagate OMB’s CBSA Standards for non-statistical use to seek public comment before determining that the propagation supports the purposes of the agency’s programs and is in the public interest. This proposed rule describes HUD’s use of CBSAs, how CBSA standards support relevant programs, and how HUD believes the adoption of updated standards ensures accuracy of data and program administration.

DATES: *Comments are due by:* November 5, 2024.

ADDRESSES: There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

1. *Electronic Submission of Comments.* Comments may be submitted electronically through the Federal eRulemaking Portal at www.regulations.gov. HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make comments immediately available to the public. Comments submitted electronically through www.regulations.gov can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that website to submit comments electronically.

2. *Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the rule.

No Facsimile Comments. Facsimile (FAX) comments are not acceptable.

Public Inspection of Public Comments. All comments and communications properly submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at (202) 708–3055 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as from 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>. In accordance with 5 U.S.C. 553(b)(4), a summary of this proposed rule may be found at www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Kurt Usowski, Deputy Assistant Secretary for Economic Affairs, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th St. SW, Washington, DC 20410, telephone number 202–402–5899 (this is not a toll-free number) or via email to

Kurt.G.Usowski@hud.gov. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

SUPPLEMENTARY INFORMATION:

I. Background: Core Based Statistical Areas

In its role as coordinator of the Federal statistical system, OMB establishes and maintains the CBSA program. CBSAs are geographic areas containing a large population nucleus, or urban area, and adjacent communities that have a high degree of integration with that nucleus measured by commuting ties. There are two types of CBSAs, the Metropolitan Statistical Area (MSA) and the Micropolitan Statistical Area. The classifications provide a nationally consistent set of delineations for collecting, tabulating, and publishing Federal statistics for geographic areas. OMB maintains CBSAs solely for statistical purposes. Every decade, OMB reviews and updates the Standards for Delineating CBSAs (CBSA standards), which describe the data sources and methods OMB uses to determine which geographic areas are to be designated CBSAs, prior to their application to new decennial census data. OMB updated

CBSA standards on July 16, 2021 (86 FR 37770), prior to applying them to 2020 Census data.

The Metropolitan Areas Protection and Standardization Act of 2021, or the MAPS Act, (31 U.S.C. 6102, *et seq.*) prohibits agencies from automatically propagating OMB’s standards for non-statistical use by any domestic assistance program unless the agency determines that the propagation: (1) supports the purpose of the program; and (2) is in the public interest. (31 U.S.C. 6309(a)(2)(A)) Propagation of the standards for non-statistical use by domestic assistance programs must be done through a notice and comment rulemaking. (31 U.S.C. 6309(a)(2)(B))

HUD’s Office of Community Planning and Development (CPD), Office of Housing—Federal Housing Administration (FHA), and Office of Public and Indian Housing (PIH) use CBSAs to administer their programs listed in Table 1. The Office of Policy Development and Research (PD&R) also uses CBSA definitions to calculate Fair Market Rents, Area Median Family Income Estimates and Income Limits. This proposed rule describes, for each of its affected programs, how HUD uses CBSA definitions, how the use of new CBSA standards support the purposes of the programs, and that the adoption of the new CBSAs in the operations of these programs is in the public interest. HUD welcomes comments on all aspects of this proposed rule.

TABLE 1—HUD USES OF CBSAS

Use	HUD Office
Community Development Block Grant Program	CPD.
Community Development Block Grant Disaster Recovery Program	CPD.
Housing Opportunities for Persons with AIDS Program	CPD.
HOME Investment Partnerships (HOME) Program	CPD.
Housing Trust Fund (HTF) Program	CPD.
Continuum of Care	CPD.
Emergency Solutions Grant (ESG)	CPD.
FHA’s Title II Program (loan limits)	Housing.
Choice Neighborhoods Initiative	PIH.
Difficult Development Area and Qualified Census Tract Designations	PD&R.
Fair Market Rents, Area Median Family Income, and Income Limits	PD&R.

II. Use of CBSAs in HUD Programs

A. Fair Market Rents, Area Median Family Income, and Income Limits

HUD uses CBSAs to calculate Fair Market Rents (FMRs), HUD’s Area Median Family Income (HAMFI) estimates, and Income Limits (ILs). FMRs, HAMFI, and ILs are addressed together because they incorporate MSA definitions in substantially identical ways and the presence of interacting calculations in the determination of

these “program parameters.” That is, FMRs, HAMFI estimates, and ILs share the same geography in any given fiscal year. FMRs are an estimate of the amount of money that would cover gross rents (rent and utility expenses) on 40 percent of the rental housing units in an area. FMRs are used in several HUD programs, including determining the maximum amount a Housing Choice Voucher will cover. ILs, which are derived from HAMFIs (and in some

cases, FMRs) set eligibility income levels for HUD programs as well as various other federal programs and maximum rent levels for housing supported by the Low-Income Housing Credit. From the inception of FMRs, HUD has generally considered MSAs to be good proxies for housing markets as they have been historically based on home-to-work commuting interactions as the principal means of identifying component geography to be combined.

HUD has always also made exceptions for MSAs where boundaries extended beyond the actual housing market. Following the 2000 revisions that created CBSAs, HUD began making far more exceptions to the use of OMB-defined MSAs in FMRs to avoid large changes in FMR values due largely to geographic definition changes of MSAs. Since the promulgation of regulations mandating the use of “Small Area FMRs” estimated at the ZIP-code level in selected FMR areas, HUD has largely stopped incorporating new counties added to MSAs into FMR areas, instead maintaining separate “HUD Metro FMR Areas” (HMFAs).

Currently, for computations of FMR estimates HUD uses the MSAs to define which areas are in HUD Metro FMR Areas or defines the FMR area as coterminous with the MSA as appropriate for the housing market. FMRs are estimated separately for each county or county equivalent not in a MSA, including those in Metropolitan CBSAs. HUD also uses MSA-level data in the calculation of FMRs in HMFAs. See HUD’s notice announcing fiscal year (FY) 2024 FMRs for details on the use of MSA-level data at: https://www.huduser.gov/portal/datasets/fmr/fmr2024/FMR_FY24_FinalNotice_2023.pdf (88 FR 60223). HAMFIs and ILs are estimated for the same areas as FMRs. Details on the relationship between ILs and FMRs is available in the FY 2024 Income Limits Methodology description at: <https://www.huduser.gov/portal/datasets/il/il24/IncomeLimitsMethodology-FY24.pdf>.

B. Difficult Development Area and Qualified Census Tract Designations

HUD designates Difficult Development Areas (DDAs) and Qualified Census Tracts (QCTs) for purposes of the Low-Income Housing Credit (LIHTC) program. DDAs and QCTs derive from FMRs and ILs, but HUD also uses CBSA definitions in counting the metropolitan population and nonmetropolitan population for the DDAs, where designated populations are restricted to 20 percent of the respective totals, and the full population of metropolitan CBSAs for QCTs where the total population of designated tracts in a metropolitan area or nonmetropolitan part of a state cannot exceed 20 percent of total population of the respective areas. (26 U.S.C. 42(d)(5)(B))

C. Additional PIH Use of CBSAs

PIH’s Choice Neighborhoods Initiative program uses CBSA definitions as part of its grant application process. In

awarding Planning grants and Implementation grants, MSAs are used to determine points earned for the “leverage” rating factor. Points are different for applications targeting a neighborhood in an MSA with a population greater than 500,000 versus 500,000 or less. CBSAs are also a factor used to determine whether an applicant qualifies for an exception to the hard unit one-for-one replacement requirement. If grantees want to locate replacement housing outside their target neighborhood, they cannot locate it in areas of minority concentration, which is defined using CBSA delineations.

D. Additional CPD Use of CBSAs

CPD’s Community Development Block Grant (CDBG) program uses OMB’s definition of “Principal Cities” of Metropolitan CBSAs to determine which jurisdictions are eligible for metropolitan city status, as defined at 24 CFR 570.3. Metropolitan cities are participating units of general local government that are either principal cities, by OMB’s definition, or any other city in a metropolitan area with a population of 50,000 or more. Other entitlement jurisdictions include “urban counties” which are defined and may be determined eligible by one of two ways as set forth in the Housing and Community Development Act of 1974, as amended (“HCDA”) (see 42 U.S.C. 5302(a)(6)). Either the population of the urban county exceeds 200,000 after deducting the population contained in any metropolitan city (cities), or part(s) of a metropolitan city (cities), within the county, or the urban county meets the low- and moderate-income preponderance test, in that it has a total combined population of at least 100,000 (but fewer than 200,000) in its unincorporated areas and included units of general local government, and those areas (combined) include the majority of low- and moderate-income persons in the county. The CDBG entitlement formula uses as its denominator for five of the six variables the aggregated data for all metropolitan areas (see 42 U.S.C. 5306). CDBG-eligible low- and moderate-income areas and households are determined relative to HUD’s ILs.

CPD’s CDBG-Disaster Recovery funds provides relief to rebuild disaster-stricken areas and crucial seed money to start the long-term recovery process. Funding is awarded to “metropolitan areas” and “metropolitan cities”, among other recipients. Those geographic areas are defined in the HCDA as being established by OMB, referring to CBSAs. (42 U.S.C. 5302(a))

Additionally, CPD’s Housing Opportunities for Persons With AIDS (HOPWA) program awards funding to States and “metropolitan statistical areas” to address the housing needs of low-income people living with HIV/AIDS and their families. The statute for the program defines “metropolitan statistical areas” as metropolitan statistical areas established by OMB and specifies that this includes the District of Columbia (HOPWA, section 853(5) of the AIDS Housing Opportunity Act, 42 U.S.C. 12902(5)).

Finally, CDP’s HOME, Continuum of Care, and ESG programs offer grants to grantees in geographic areas based on the CDBG definitions that are themselves based on CBSAs. These programs do not otherwise use CBSAs in their grant allocation formulas. The HTF program uses formula factors whose definitions are based upon CBSA-level data.

E. Office of Housing’s Use of CBSAs

The Office of Housing uses CBSAs to establish the Title II loan and mortgage limits. Loan limits are based on the county-level median home price of the highest price county within the area, with “area” defined as the “metropolitan statistical area as established by the Office of Management and Budget”, referring to OMB’s CBSA program. (National Housing Act 203(b)(2) (12 U.S.C. 1709(b)(2))

III. Adoption of New CBSAs Standards Would Support Program Purposes and be in the Public Interest

The new CBSA standards support FMRs, HAMFIs, and ILs. Because the new CBSAs become the standards for Federal statistical entities and private sector firms releasing data used in FMR calculations, adopting the new standards in these calculations serves to promote the accuracy of FMRs and makes their calculation more efficient. Whether a particular county is a non-metropolitan FMR area or one-county HMFA makes only a slight difference in the estimated value of the FMR but may make it more accurate. HMFA designation means HUD applies adjustments to the county-level data derived from the containing MSA rather than the non-metropolitan part of the state. Similar adjustments apply to ILs. Using new CBSA definitions improves the accuracy of HUD’s affected calculations. The accuracy of these program parameters is in the public interest as it most appropriately will direct resources governed by these parameters to recipients in the most appropriate amounts.

The new CBSA standards support HUD's designation of DDAs and QTCs as well as PIH, CPD, and Housing's programs because they more accurately reflect the current housing markets, which have changed significantly since the 2010 census. Furthermore, adopting the new standards will not be disruptive to the programs as program participants are expecting HUD to regularly update the metropolitan area standards and definitions to reflect current market conditions as HUD has done historically.

IV. This Proposed Rule

For the reasons stated above, this proposed rule would affirmatively adopt new OMB CBSA Standards for purposes of estimating Fair Market Rents, Area Median Family Incomes, and Income Limits, and for other administrative purposes in PIH, CPD, and Housing programs. This includes any future revisions to the CBSA delineations under these standards.

HUD proposes to add a new subpart M to part 5 that will cross reference all affected programs and adopt the updated CBSA standards for such programs.

V. Findings and Certifications

Regulatory Review (Executive Orders 12866, 13563, and 14094)

This proposed rule would adopt updated standards for CBSA delineations that HUD programs use for program administrative purposes. It is statistical and administrative in nature with the purpose of maintaining past administrative practices. This rule was not subject to OMB review. This proposed rule is not a "significant regulatory action" as defined in section 3(f) of Executive Order 12866 and is not an economically significant regulatory action.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments, and on the private sector. This proposed rule does not impose any Federal mandates on any State, local, or Tribal governments, or on the private sector, within the meaning of UMRA.

Environmental Review

This proposed rule establishes discretionary review of loan limits, fair market rent schedules, income limits and exclusions with regard to eligibility for or calculation of HUD housing assistance or rental assistance, and

similar rate and cost determinations and related external administrative or fiscal requirements or procedures which do not constitute a development decision that affects the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this proposed rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This proposed rule would adopt updated definitions of CBSA geographic areas that affected HUD programs use for various administrative purposes. The proposed adoption would be statistical and administrative in nature and consistent with longstanding HUD policy and practice. Therefore, the proposed action does not have a significant economic impact on a substantial number of small entities.

Executive Order 13132, Federalism

Executive Order 13132 (Federalism) prohibits an agency from publishing any rule that has federalism implications if the rule either: (i) imposes substantial direct compliance costs on State and local governments and is not required by statute, or (ii) preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This proposed rule does not have federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive order.

List of Subjects in 24 CFR Part 5

Administrative practice and procedure, Aged, Claims, Crime, Government contracts, Grant programs—housing and community development, Individuals with disabilities, Intergovernmental relations, Loan programs—housing and community development, Low and moderate income housing, Mortgage insurance, Penalties, Pets, Public housing, Rent subsidies, Reporting and recordkeeping requirements, Social Security, Unemployment compensation, Wages.

Accordingly, for the reasons stated in the preamble, HUD proposes to amend 24 CFR part 5 as follows:

PART 5—GENERAL HUD PROGRAM REQUIREMENTS; WAIVERS

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

Authority: 12 U.S.C. 1701x; 42 U.S.C. 1437a, 1437c, 1437f, 1437n, 3535(d); 42 U.S.C. 2000bb *et seq.*; 34 U.S.C. 12471 *et seq.*; Sec. 327, Pub. L. 109–115, 119 Stat. 2396; E.O. 13279, 67 FR 77141, 3 CFR, 2002 Comp., p. 258; E.O. 13559, 75 FR 71319, 3 CFR, 2010 Comp., p. 273; E.O. 14015, 86 FR 10007, 3 CFR, 2021 Comp., p. 517.

■ 2. Add subpart M to read as follows:

Subpart M—Core Based Statistical Areas

§ 5.3001 Automatic propagation of OMB's Core Based Statistical Area Standards.

When using Core Based Statistical Areas (CBSAs), HUD shall use the 2020 CBSA standards adopted by the Office of Management and Budget on July 16, 2021, through publication in the **Federal Register** as well as any subsequent updates to the CBSA delineations based on these standards made by the Office of Management and Budget. Purposes and programs that use the CBSA standards include, but are not limited to:

- (a) The Community Development Block Grant Program (24 CFR part 570);
- (b) The Community Development Block Grant Disaster Recovery funds (applicable appropriations and **Federal Register** notices);
- (c) The Housing Opportunities for Persons with AIDS Program (24 CFR part 574);
- (d) The HOME Investment Partnerships Program (24 CFR part 92);
- (e) The Continuum of Care Program (24 CFR part 578);
- (f) The Emergency Solutions Grants Program (24 CFR part 576);
- (e) The FHA Title II Program (National Housing Act of 1934 Title II);
- (f) The Choice Neighborhoods Initiative Program (42 U.S.C. 1437v, as applied by the applicable annual appropriations act(s); 24 CFR 905.602(d);
- (g) The Housing Trust Fund Program (24 CFR part 93); and
- (h) *The calculation of:* Fair Market Rents (24 CFR part 888); Area Median Family Income (this part); Income Limits (this part); Difficult Development Areas; and Qualified Census Tracts.

Todd Richardson,

General Deputy Assistant Secretary, Policy Development and Research.

[FR Doc. 2024–19807 Filed 9–5–24; 8:45 am]

BILLING CODE 4210–67–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2024–0152; FRL–11858–01–R3]

Air Plan Approval; Maryland; Determination of Attainment by the Attainment Date for the 2010 1-Hour Primary Sulfur Dioxide National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to determine that the Anne Arundel County and Baltimore County, Maryland sulfur dioxide (SO₂) nonattainment area attained the 2010 1-hour primary SO₂ national ambient air quality standard (2010 SO₂ NAAQS) by the applicable attainment date of September 12, 2021. This determination is based on certified ambient air quality data from the 2018–2020 monitoring period, relevant modeling analysis, and additional emissions inventory information. This action, if finalized, will address the EPA's obligation under Clean Air Act (CAA) section 179(c) to determine whether the Anne Arundel and Baltimore County SO₂ nonattainment area (referred to hereafter as the Anne Arundel-Baltimore County Area, or simply the Area) attained the 2010 SO₂ NAAQS by the September 12, 2021 attainment date.

DATES: Written comments must be received on or before October 7, 2024.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2024–0152 at

www.regulations.gov, or via email to talley.david@epa.gov. For comments submitted at Regulations.gov, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or

other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit www.epa.gov/dockets/commenting-epa-dockets.

FOR FURTHER INFORMATION CONTACT:

Philip McGuire, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2251. Mr. McGuire can also be reached via electronic mail at mcguire.philip@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we refer to the EPA.

I. Background

A. The 2010 1-Hour Primary SO₂ NAAQS

Under section 109 of the CAA, the EPA has established primary and secondary NAAQS for certain pervasive air pollutants (referred to as “criteria pollutants”) and conducts periodic reviews of the NAAQS to determine whether they should be revised or whether new NAAQS should be established. The primary NAAQS represent ambient air quality standards that the EPA has determined are requisite to protect the public health, while the secondary NAAQS represent ambient air quality standards that the EPA has determined are requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of such an air pollutant in the ambient air.

Under the CAA, the EPA must establish a NAAQS for SO₂, which is primarily released to the atmosphere through the burning of fossil fuels by power plants and other industrial facilities. The EPA first established primary SO₂ standards in 1971 at 140 parts per billion (ppb) over a 24-hour averaging period and at 30 ppb over an annual averaging period.¹

On June 22, 2010, the EPA published in the **Federal Register** a strengthened, primary 1-hour SO₂ NAAQS, establishing a new standard at a level of 75 ppb, based on the 3-year average of the annual 99th percentile of daily maximum 1-hour average concentrations of SO₂.² This revised

SO₂ NAAQS provides increased protection of public health, and provided for revocation of the 1971 primary annual and 24-hour SO₂ standards for most areas of the country following area designations under the new NAAQS.

B. Designations, Classifications, and Attainment Dates for the 2010 SO₂ NAAQS

Following promulgation of a new or revised NAAQS, the EPA is required to designate all areas of the country as either “attainment,” “nonattainment,” or “unclassifiable,” pursuant to CAA section 107(d)(1). On August 5, 2013, the EPA finalized its first round of designations for the 2010 1-hour primary SO₂ NAAQS.³ In this 2013 action, the EPA designated 29 areas in 16 states as nonattainment for the 2010 1-hour primary SO₂ NAAQS. On July 12, 2016, the EPA finalized its second round of initial designations under the 2010 1-hour primary SO₂ NAAQS, designating an additional four areas as nonattainment, effective September 12, 2016.⁴ Included in this second round of designations was the Anne Arundel-Baltimore County Area. This designation was based on the weight of evidence for the Area, including available air quality modeling and ambient air monitoring data from 2013–2015. Pursuant to section 192(a) of the CAA, the attainment date for the Anne Arundel-Baltimore County Area was no later than five years after the effective date of initial designation, or September 12, 2021.

CAA section 191(a) directs states containing an area designated nonattainment for the 2010 1-hour primary SO₂ NAAQS to develop and submit a nonattainment area (NAA) state implementation plan (SIP) to the EPA within 18 months of the effective date of an area's designation as nonattainment. For SO₂, the NAA SIP (also referred to as an attainment plan) must meet the requirements of subparts 1 and 5 of part D, of title 1 of the CAA, and provide for attainment of the NAAQS by the applicable statutory attainment date, or no later than five years from the effective date of designation. The Maryland Department of Environment (MDE) submitted an attainment plan SIP for the Anne Arundel-Baltimore County Area on January 31, 2020.

When a nonattainment area is attaining the 2010 1-hour primary SO₂ NAAQS based on the most recent available data, the EPA may issue a

¹ 36 FR 8186, April 30, 1971.

² 75 FR 35520, June 22, 2010.

³ 78 FR 47191, August 5, 2013.

⁴ 81 FR 45039, July 12, 2016.

Clean Data Determination (CDD), suspending certain NAA planning requirements. The EPA issued a CDD for the Anne Arundel-Baltimore County Area based on modeling and monitoring data for the period 2019–2021 via a final rule published on November 2, 2022, and at the same time, approved certain elements of the submitted attainment plan that are not waived by the EPA's CDD policy.⁵ Notably, a CDD does not alter the Area's nonattainment designation. For the EPA to redesignate an area to attainment, the state must submit, and the EPA must approve a redesignation request for the Area that meets the requirements of CAA section 107(d)(3). To date, Maryland has not requested redesignation of the Area to attainment.

C. EPA Determination of Attainment by the Attainment Date

Section 179(c)(1) of the CAA requires the EPA to determine whether a nonattainment area attained an applicable standard by the applicable attainment date based on the area's air quality as of the attainment date. The EPA is required to issue this determination within six months of the attainment date. Thus, the EPA had a mandatory duty to determine by March 12, 2022, under CAA section 179(c) if the Area reached attainment. With this action, the EPA proposes to determine, in accordance with CAA section 179(c), that the Anne Arundel-Baltimore County Area attained the 2010 1-hour primary SO₂ NAAQS by the September 12, 2021, attainment date.

A determination of whether an area's air quality meets applicable standards is generally based upon the most recent three years of complete, quality-assured data gathered at established state and local air monitoring stations (SLAMS) in a nonattainment area and entered into the EPA's Air Quality System (AQS) database.⁶ Data from ambient air monitors operated by state and local agencies in compliance with the EPA

monitoring requirements must be submitted to AQS. Monitoring agencies annually certify that these data are accurate to the best of their knowledge. All data are reviewed to determine the area's air quality status in accordance with 40 CFR part 50, appendix T (for SO₂). In general, for SO₂ the EPA does not rely exclusively on monitoring data to determine whether the NAAQS is met unless it has been demonstrated that the monitors were appropriately sited to record expected maximum ambient concentrations of SO₂ in an area. As such, monitoring data can be supplemented with other relevant information, including dispersion modeling and emissions inventories, for determining attainment.⁷

The attainment date for the Anne Arundel-Baltimore County Area was September 12, 2021. For an area where monitoring data alone is used in the determination of attainment, the three-year design value for the calendar years preceding the attainment date is typically used (e.g., the design value for January 2018 through December 2020 is the appropriate design value for an attainment date of September 12, 2021). In this case for the Anne Arundel-Baltimore County NAA however, the EPA is relying on both a combination of monitoring data and preexisting modeling from the November 2022 CDD to demonstrate attainment. The modeling for the CDD was for the period January 2019 through December 2021, which includes approximately 3.5 months of data occurring after the attainment date. The use of modeling information from 2021 provides additional credible evidence to demonstrate attainment by the September 12, 2021 attainment date because it is a more current representation of air quality in the area. Additionally, the EPA evaluated emissions from 2018 (i.e., September 13, 2018 through December 31, 2018) as a crosscheck of the 3.5 months of data that was modeled after the attainment date (i.e., September 13, 2021 through December 31, 2021) to confirm that the modeling impacts would not have resulted in violations had other time periods been modeled which would have aligned more closely with the monitored design value from 2018–2020.

⁷ The memorandum of April 23, 2014, from Steve Page, Director, EPA Office of Air Quality Planning and Standards to the EPA Air Division Directors "Guidance for 1-hr SO₂ Nonattainment Area SIP Submissions" provides guidance for determining attainment for the 2010 1-hr primary SO₂ NAAQS. This document is available at www.epa.gov/sites/production/files/2016-06/documents/20140423guidance_nonattainment_sip.pdf.

II. Proposed Determination

A. Area Characterization

The Anne Arundel-Baltimore County Area is located in Maryland along the western banks of the Chesapeake Bay and encompasses portions of Anne Arundel County and Baltimore County within 26.8 kilometers of Herbert A. Wagner's Generating Station (Wagner) unit 3 stack, which is located at 39.17765 N latitude, 76.52752 W longitude. Any portion of Baltimore City that falls within this 26.8-kilometer radius is excluded from the nonattainment area. As noted, this area was designated as nonattainment by the EPA on July 12, 2016 for the 2010 1-hour primary SO₂ NAAQS.⁸ A March 2, 2015 Consent Decree and enforceable order issued by the United States District Court for the Northern District of California mandated that the EPA issue designations within 16 months (July 2, 2016) for areas that contained a stationary source that had not been announced for retirement and, according to the EPA's Air Markets Database, emitted either more than 16,000 tons of SO₂ in 2012 or more than 2,600 tons of SO₂ and had an annual average emission rate of at least 0.45 pounds of SO₂ per one million British thermal units (lbs SO₂/MMBTU) in 2012.⁹ In 2012, Wagner emitted 7,514 tons of SO₂ and had an emissions rate of 1.105 lbs SO₂/MMBTU, and had not been announced for retirement as of March 2, 2015. As a result, the Consent Decree applied to the Anne Arundel-Baltimore County Area.

Including Wagner, the Anne Arundel-Baltimore County Area contains three facilities that emit or have historically emitted SO₂ for the timeframe of interest. Brandon Shores power plant, C.P. Crane (Crane) power plant, and Wagner possess or have possessed coal-fired electric generating units (EGUs). Brandon Shores and Wagner are located next to one another in northern Anne Arundel County near the City of Baltimore on a 456-acre site called the Fort Smallwood Complex. Crane is located approximately 22 kilometers northeast of the Fort Smallwood Complex in Baltimore County.¹⁰

⁸ 81 FR 45039 (effective September 12, 2016).

⁹ Consent Decree, *Sierra Club v. McCarthy*, No. 3:13-cv-3953-SI, (N.D. Cal. March 2, 2015). This document is available at www.4cleanair.org/wp-content/uploads/resources/Litigation-SO2-Designations-Deadline-Suit-Final_CD-030215.pdf.

¹⁰ The Wheelabrator-Baltimore waste-to-energy facility is the only other source that could produce model impacts in the NAA. However, Wheelabrator-Baltimore is excluded in this action as it is not located within the NAA and has a minimal contribution to the area of maximum

⁵ 87 FR 66086, November 2, 2022.

⁶ Under EPA regulations in 40 CFR 50.17 and in accordance with 40 CFR part 50, appendix T, the 2010 1-hour annual SO₂ standard is met at an ambient air quality monitoring site when the design value is less than or equal to 75 ppb. Design values are calculated by computing the three-year average of the annual 99th percentile daily maximum 1-hour average concentrations. An SO₂ 1-hour primary standard design value is valid if it encompasses three consecutive calendar years of complete data. A year is considered complete when all four quarters are complete, and a quarter is complete when at least 75 percent of the sampling days are complete. A sampling day is considered complete if 75 percent of the hourly concentration values are reported; this includes data affected by exceptional events that have been approved for exclusion by the Administrator.

To aid in assessing if an area is meeting attainment, SLAMS collect ambient air data. One such monitor, the Essex monitor (Air Quality System (AQS) Site ID 24-005-3001), is located in the Anne Arundel-Baltimore County Area. The Essex monitor in Baltimore County is over 15 kilometers northeast of the Fort Smallwood Complex (Brandon Shores and Wagner) and approximately 9 kilometers west of Crane—placing the monitor well away from any primary sources of SO₂. The Essex monitor’s 1-hour SO₂ design values have not violated the 2010 1-hour primary SO₂ NAAQS of 75 ppb over the last decade. The last design value exceedance of the NAAQS for this site was during the 2007–2009 period. Additionally, there is a special purpose monitor in the Area—the Riviera Beach monitor (AQS ID 24-003-2002)—which has only operated since January 2018. It is sited in Anne Arundel County, less than 5 kilometers away from the Fort Smallwood Complex, providing a better estimation of the actual maximum SO₂ concentration within the nonattainment area. While it has not measured any instances exceeding the 2010 1-hour SO₂ NAAQS, it has experienced

significant timeframes of invalid or missing measurements and was discontinued in 2022.

As placement of the Essex SLAMS and Riviera Beach special purpose monitor does not capture the location of the maximum ambient SO₂ concentration,¹¹ modeling may supplement the monitoring data to assist in determining if the Anne Arundel-Baltimore County Area has timely reached attainment.¹² This action utilizes the same modeling as the November 2022 CDD for the Anne Arundel-Baltimore County Area between 2019–2021. This modeling analysis followed much of the modeling procedures outlined in Maryland’s SIP modeling protocol document¹³ and Maryland’s original designation modeling analysis. As such, this modeling largely follows established model guidelines previously utilized in Maryland’s analysis of the Anne Arundel-Baltimore County Area.

B. Evaluation of SO₂ Emissions Data

The EPA evaluated annual SO₂ emissions trends for sources within the Anne Arundel-Baltimore County Area. The annual emissions from 2012–2021

from each major stationary source within the Area are provided in table 1 in this document, along with the total combined emissions from the listed stationary sources. By the end of 2020, total SO₂ emissions within the Area had declined approximately 90% from 2012 levels and approximately 89% from 2016 levels—the year of nonattainment designation. The closure of Crane’s coal units by 2018, the conversion of Wagner Unit 2 from coal to natural gas in 2020, and the installation of a dry sorbent injection emission control system for SO₂ on Wagner Unit 3 in 2018 all contributed to this significant reduction. Additionally, the remaining Fort Smallwood Complex coal units have reduced their total annual operating hours under enforceable consent orders,¹⁴ further decreasing SO₂ emissions within the Area.

The reduction in emissions in the 2018–2020 timeframe compared to pre-2018 emissions provides evidence that the Anne Arundel-Baltimore County Area saw air quality improvements in SO₂ levels and supports the finding that the Area attained the 2010 1-hour SO₂ NAAQS by September 12, 2021.

TABLE 1—ANNUAL EMISSIONS FROM MAJOR STATIONARY SO₂ SOURCES IN THE ANNE ARUNDEL-BALTIMORE COUNTY NONATTAINMENT AREA FOR 2012–2021
[Tons of SO₂ per year]

Year	Brandon Shores		H.A. Wagner				C.P. Crane		Total
	Unit 1	Unit 2	Unit 1	Unit 2	Unit 3	Unit 4	Unit 1	Unit 2	
2012	1,547	1,301	0.2	2,513	4,964	41.1	1,214	962	12,542
2013	1,389	1,482	0.2	1,555	8,557	72.7	719	2,143	15,918
2014	1,670	1,475	72.6	1,940	7,277	323	574	1,316	14,648
2015	1,311	1,643	65.0	1,188	8,754	185	382	946	14,474
2016	1,450	1,270	26.5	163	7,575	74.8	412	638	11,609
2017	1,098	1,418	2.5	117	1,245	60.8	379	449	4,769
2018	1,747	1,785	6.1	230	2,733	197	392	475	7,565
2019	547	954	15.3	88.8	1,124	39.9	0	0	2,769
2020	420	267	0	0	605	13.5	0	0	1,306
2021	759	720	5.7	0	645	17.4	0	0	2,147

C. Evaluation of SO₂ Monitoring Data

The 3-year design values of 1-hour SO₂ from 2014–2021 as well as the annual 99th percentile of 1-hour SO₂ concentrations for the Essex Monitor are shown in table 2 in this document. The Essex Monitor has been below the 2010 1-hour SO₂ NAAQS design value since

2012 and has had no hourly SO₂ values exceeding the 75 ppb 2010 1-hour SO₂ NAAQS in the same timeframe. From 2014 to 2020, the Essex Monitor design value has declined from 22 ppb to 9 ppb, representing a decrease of approximately 59%, which could be attributed to the significant decline in

operations of the coal fired EGUs in the Area over the past decade. The 2018–2020 design value of 9 ppb represents 12% of the 2010 1-hour SO₂ NAAQS. Since 2014, the Essex Monitor has reliably reported data, collecting and logging data on approximately 95% of days since its installation. This

concentration within the NAA, as described in the “EPA CDD TSD—Technical Support Document—Clean Data Determination for the Anne Arundel-Baltimore Counties SO₂ Nonattainment Area _ August 2022” document.

¹¹ See Page 43 of “EPA CDD TSD—Technical Support Document—Clean Data Determination for the Anne Arundel-Baltimore Counties SO₂ Nonattainment Area _ August 2022” document.

¹² See supra Note 7, EPA “Guidance for 1-hr SO₂ Nonattainment Area SIP Submissions”, available at www.epa.gov/sites/default/files/2016-06/documents/20140423guidance_nonattainment_sip.pdf.

¹³ See Maryland’s Planning and Policy: State Implementation Plans (SIPs) web page: mde.maryland.gov/programs/air/airqualityplanning/pages/index.aspx and EPA Round 2 designation page for Maryland:

www.epa.gov/sulfur-dioxide-designations/so2-designations-round-2-maryland-statererecommendation-and-epa-response.

¹⁴ See Appendix B of the January 30, 2020 attainment plan SIP Revision. Specifically, Appendix B1—Consent Order—Brandon Shores and Wagner Generating Stations, dated December 4, 2019; and Appendix B-2: Consent Order—C.P. Crane Generating Station, dated October 9, 2019.

represents complete data for monitoring purposes.¹⁵

TABLE 2—2014–2021 ESSEX MONITOR SO₂ VALUES FOR THE ANNE ARUNDEL-BALTIMORE COUNTY AREA

Year	99th Percentile daily 1-hour maximum value (ppb)	Design value (ppb)*	Number of hourly SO ₂ values above 75 ppb (by year)	Valid monitor days (by year)
2014	26.4	22	0	360
2015	17.7	22	0	357
2016	12.9	19	0	355
2017	8.5	13	0	323
2018	12.3	11	0	318
2019	10.5	10	0	351
2020	4.7	9	0	352
2021	5.4	7	0	354

* The design value was calculated with the reported year as the final year of the three-year period used in determining the design value (e.g., 2014 was calculated from the years 2012–2014).

The other monitor in the Area, the special purpose Riviera Beach Monitor, has a 2018–2020 1-hour SO₂ design value of 24 ppb. This monitor was discontinued in mid-2022, precluding the use of a more recent design value. Furthermore, this monitor has experienced significant periods of invalid or missing measurements since its installation in January 2018 and as such, the incorporation of its data into this determination of attainment by the attainment date will be limited to segments of valid and recorded monitoring periods.

The EPA finds the monitoring data from the Essex monitor in the Anne Arundel-Baltimore County Area supports the conclusion that the Area attained the 2010 1-hour SO₂ NAAQS by the September 12, 2021 attainment date.

D. Evaluation of Modeling Data

The EPA conducted a modeling analysis for the CDD proposal¹⁶ in July 2022, and as both this action and the CDD largely pertain to the same timeframe, this determination of attainment by the attainment date will utilize the same modeling results. The modeling analysis was based on a combination of actual and allowable emissions for 2019–2021. Concurrent meteorological data for 2019–2021 and appropriate background concentrations were incorporated into the model, and inputs were overlaid into a model receptor grid covering the areas near the sources to adequately capture the maximum modeled concentration. As noted, this modeling analysis followed much of the modeling procedures outlined in Maryland’s modeling protocol document and Maryland’s original designation modeling analysis. Therefore, this modeling largely follows established model guidelines previously

utilized in Maryland’s analysis of the Anne Arundel-Baltimore County Area. Additional information on the model assumptions and development is available in the docket for this action.¹⁷

The EPA’s modeling analysis based on 2019–2021 SO₂ emissions demonstrate a peak design value of 53.1 ppb occurs within the Anne Arundel-Baltimore County Area. This modeled value is approximately 71% of the 75 ppb 2010 SO₂ NAAQS and occurred about one kilometer east of the Fort Smallwood Complex, near the southern shoreline of the Patapsco River. The peak model receptor design value and the 99th percentile model concentrations used in this calculation are summarized in table 3 in this document. It should be noted that the 99th percentile values decline over this modeled period—aligning with the reduced SO₂ emissions from the major stationary sources in the Area.

TABLE 3—SUMMARY OF 2019–2021 PEAK MODELED RECEPTOR 1-HOUR SO₂ DESIGN VALUES AND 99TH PERCENTILE VALUES FOR THE ANNE ARUNDEL-BALTIMORE COUNTY, MD AREA

Design value (ppb)	Year 1			Year 2			Year 3		
	Date	Hour of day	SO ₂ 99th percentile (ppb)	Date	Hour of day	SO ₂ 99th percentile (ppb)	Date	Hour of day	SO ₂ 99th percentile (ppb)
53.1	10-02-2019	14	69.3	7-27-2020	12	52.3	1-20-2021	09	37.9

As previously discussed, this CDD modeling data includes approximately 3.5 months of data occurring after the attainment date and does not include approximately 3.5 months of data from September 2018 through December 2018. To ensure consideration of the 36-

month period prior to the attainment date, the EPA has analyzed the emissions data of these 3.5 months at the end of 2018. While emissions between these two 36-month periods (September 2018 through September 2021 vs. January 2018 through

December 2021) are relatively similar, the substitution of the September through December 2018 data for the September through December 2021 data does represent an approximately 16% increase in the total emissions during the 36-month period utilized for

¹⁵ See supra Note 6, for requirements of data completeness.

¹⁶ 87 FR 51006, August 19, 2022.

¹⁷ See “EPA CDD TSD—Technical Support Document—Clean Data Determination for the Anne

Arundel-Baltimore Counties SO₂ Nonattainment Area August 2022” document.

assessing timely attainment. This data, compiled from the EPA’s Clean Air Markets Program Data,¹⁸ is available in table 4 in this document and can be compared to the totals for the 2019–

2021 timeframe provided in table 1 in this document. The total tons of SO₂ emissions for each of these 1-year (or 12-month) periods on a 2019–2021 calendar-year basis vs. a September

2018 through September 2021 basis, respectively, are as follows: Period 1—2,769 vs. 3,396; Period 2—1,306 vs. 1,764; and Period 3—2,147 vs. 2,083.

TABLE 4—EMISSIONS FROM MAJOR STATIONARY SO₂ SOURCES IN THE ANNE ARUNDEL-BALTIMORE COUNTY NONATTAINMENT AREA FOR SEPTEMBER 2018 THROUGH SEPTEMBER 2021
[Tons of SO₂ per year]

Time period	Brandon Shores	Wagner	Total*
Sept. 12, 2018–Sept. 11, 2019	1,976.1	1,419.4	3,395.5
Sept. 12, 2019–Sept. 11, 2020	779.3	984.7	1,764.0
Sept. 12, 2020–Sept. 11, 2021	1,608.2	474.5	2,082.7

*C.P. Crane is excluded from this table as the facility had ceased operation by September 12, 2018.

Two of these periods show higher emissions on the September-to-September basis and thus suggest that the modeled 2019–2021 peak design value may underestimate the 36-month September 2018 through September 2021 peak design value in the Area. However, the modeled peak design value of 53.1 ppb is substantially lower than the NAAQS of 75 ppb and even with the increase in emissions rates for this September 2018 through September 2021 period, the EPA has determined that the increased emissions are insufficient to prevent the Area from having reached attainment by the attainment date.

While emission increases are not necessarily proportional to increases in design values, if the 16% increase in the total emissions led to a 16% increase in the modeled design value of 53.1 ppb, the adjusted modeled design value would be 61.6 ppb—still well below the NAAQS of 75 ppb. Comparatively, the design value for September 2018 through September 2021 would have to increase over 40% from the modeled design value of 53.1 ppb for January 2019 through December 2021 in order to violate the NAAQS.

Additionally, the 2022 CDD Technical Support Document quantifies the annual 99th percentile of the daily maximum 1-hour average concentrations of SO₂ for the 3 years used in computing the modeled peak design value.¹⁹ These values (available in table 3 in this document) are 69.3 ppb, 52.3 ppb, and 37.9 ppb for Years 2019, 2020, and 2021, respectively, and the average of these values, 53.1 ppb, is the modeled design value. In the event that the lowest of these values were to be substituted with an alternative annual 99th percentile of the daily

maximum 1-hour average concentration of SO₂ (which could have occurred during the September 2018 through December 2018 time period), this theoretical value would need to measure in excess of 103.4 ppb for the design value to violate the NAAQS. For comparison, the highest SO₂ concentration observed at the nearby Riviera Beach monitor during the entirety of its valid and recorded monitoring periods measured 63.9 ppb. While not positioned exactly in the area of maximum concentration, as noted above, this monitor was in close proximity to the Fort Smallwood Complex. Considering this monitoring data and the results of the CDD modeling, it is highly unlikely that the September 2018 through December 2018 period would result in an annual 99th percentile (*i.e.*, 4th highest observed) of the daily maximum 1-hour average concentrations exceeding 103.4 ppb and thus producing a design value in violation of the NAAQS.

The EPA finds that the modeling analysis conducted for Anne Arundel-Baltimore County for the January 2019 through December 2021 period supports the conclusion that the Area attained the 2010 1-hour SO₂ NAAQS by the September 12, 2021 attainment date, as the maximum modeled design value in the Area of 53.1 ppb is lower than the NAAQS of 75 ppb.²⁰ Consideration of this 2019–2021 modeling analysis in concert with emissions data from September 2018 through December 2018 indicates that the area was in attainment for the entire 36-month period prior to the attainment date.

E. Conclusion

The EPA proposes to determine that the Anne Arundel-Baltimore County

nonattainment area attained the 2010 1-hour SO₂ NAAQS by the September 12, 2021 attainment date. The supporting bases for our proposed determination of attainment include: emissions within the Area have been reduced by 90% between 2012 to 2020; ambient air quality monitoring has had no exceedances of the 2010 1-hour SO₂ NAAQS since 2012 and SO₂ readings have declined 59% from 2014 to 2020; and the EPA’s modeling analysis (based on 2019–2021 SO₂ emissions) predicts a maximum design value within the Area of 53.1 ppm—71% of the 75 ppb 2010 SO₂ NAAQS—and as explained above, the inclusion of 2018 emissions data would not result in a violating design value. Notably, MDE’s report to the EPA, leading to the subsequent issuance of the CDD, shows that the area continues to attain the NAAQS. The EPA’s determination that the area attained the 2010 1-hour SO₂ NAAQS by the attainment date is supported by all of the available aforementioned evidence.

III. Proposed Action and Request for Public Comment

Based on the EPA’s review of all available evidence described in this proposed rulemaking, the EPA is proposing to determine that the Anne Arundel-Baltimore County nonattainment area attained the 2010 1-hour primary SO₂ NAAQS by the statutory attainment date of September 12, 2021.

Finalizing this action would not constitute a redesignation of the Anne Arundel-Baltimore County nonattainment area to attainment of the 2010 1-hour SO₂ NAAQS under section 107(d)(3) of the CAA. If this action is finalized, the Anne Arundel-Baltimore

¹⁸ Available at *campd.epa.gov*.

¹⁹ See Page 44 of “EPA CDD TSD—Technical Support Document—Clean Data Determination for

the Anne Arundel-Baltimore Counties SO₂ Nonattainment Area __August 2022” document.

²⁰ See Page 43 of “EPA CDD TSD—Technical Support Document—Clean Data Determination for

the Anne Arundel-Baltimore Counties SO₂ Nonattainment Area __August 2022” document.

County Area will remain designated nonattainment for the 2010 1-hour SO₂ NAAQS until such time as Maryland submits to the EPA a redesignation request and accompanying 10-year maintenance plan, and the EPA determines that the area meets the CAA requirements for redesignation to attainment and takes action to redesignate the area.

If finalized, this action will address the EPA's obligation under CAA section 179(c) to determine if the Anne Arundel-Baltimore County Area attained the 2010 1-hour SO₂ NAAQS by the September 12, 2021 attainment date. The EPA is soliciting public comments on this proposed rulemaking. These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

This action proposes to determine an area has attained the NAAQS by the relevant attainment date and does not impose additional or modify existing requirements. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
 - Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
 - Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
 - Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
 - Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
 - Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
 - Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
 - Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act;
- Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and

Low-Income Populations, 59 FR 7629, February 16, 1994) directs Federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. The EPA defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” The EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.” The EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this action, which finds that a nonattainment area had attained the 2010 SO₂ NAAQS by the applicable attainment date, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples. In addition, this proposed rulemaking, the determination of attainment by attainment date for the Anne Arundel-Baltimore County SO₂ nonattainment area, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because this action is not approved to apply in Indian country located in the State, and the EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

Adam Ortiz,

Regional Administrator, Region III.

[FR Doc. 2024-19436 Filed 9-5-24; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2023-0454; FRL-12177-01-OCSPP]

RIN 2070-ZA16

Pesticide Tolerances; Implementing Registration Review Decisions for Certain Pesticides (Capric (Decanoic) Acid, Caprylic (Octanoic) Acid, and Pelargonic (Nonanoic) Acid)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is proposing to implement several tolerance actions under the Federal Food, Drug, and Cosmetic Act (FFDCA) that the Agency determined were necessary or appropriate during the registration review conducted under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). During registration review, EPA reviews all aspects of a pesticide case, including existing tolerances, to ensure that the pesticide continues to meet the standard for registration under FIFRA. The pesticide tolerances and active ingredients addressed in this rulemaking are identified and discussed in detail in Unit III. of this document.

DATES: Comments must be received on or before November 5, 2024.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2023-0454, through <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

Anita Pease, Antimicrobials Division (7510M), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 566-0736; email address: pease.anita@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

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 might apply to them:

- Restaurant kitchen cleaning service (NAICS code 561720);
- Milk production, dairy cattle (NAICS code 112120);
- Food manufacturing (NAICS code 311);
- Pesticide manufacturing (NAICS code 32532); and
- Food processing machinery and equipment merchant wholesalers (NAICS code 423830).

If you have any questions regarding the applicability of this proposed action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What action is the Agency taking?

EPA is proposing several tolerance actions that the Agency previously determined were necessary or appropriate during registration review for the pesticide active ingredients identified in Unit III. The tolerance actions for each pesticide active ingredient are described in Unit III, and may include but are not limited to the following types of actions:

- Revising tolerance expressions;
- Modifying commodity definitions;
- Updating crop groupings;
- Removing expired tolerances;
- Revoking tolerances that are no longer needed; and
- Harmonizing tolerances with the Codex Alimentarius Commission (Codex) Maximum Residue Levels (MRLs).

Although it may not have been identified in the registration review of a particular pesticide, this rule may include proposals to reflect the Agency's 2019 adoption of the Organization of Economic Cooperation and Development (OECD) Rounding Class Practice. Where applicable, these adjustments are proposed for specific pesticides as reflected in the proposed regulatory text.

C. What is EPA's authority for taking this action?

Pursuant to section 408(e) of the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), EPA is proposing the tolerance actions in this rulemaking that the Agency previously determined were necessary or appropriate during the registration review conducted under FIFRA, 7 U.S.C. 136 *et seq.* FFDCA section 408(e)

authorizes EPA to establish, modify, or revoke tolerances or exemptions from the requirement of a tolerance on its own initiative. Prior to issuing the final regulation, FFDCA section 408(e)(2) requires EPA to issue a notice of proposed rulemaking for a 60-day public comment period, unless the Administrator for good cause finds that it would be in the public interest to have a shorter period and states the reasons in the rulemaking.

D. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI to EPA through email or <https://www.regulations.gov>. If you wish to include CBI in your comment, please follow the applicable instructions at <https://www.epa.gov/dockets/commenting-epa-dockets#rules> and clearly mark the information that you claim to be CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/commenting-epa-dockets>.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

E. What can I do if I want the Agency to maintain a tolerance that the Agency proposes to revoke?

This proposed rule provides a 60-day public comment period that allows any person to state an interest in retaining a tolerance proposed for revocation. If EPA receives such a comment within the 60-day period, EPA will not proceed to revoke the tolerance immediately. However, EPA will take steps to ensure the submission of any needed supporting data and will issue an order in the **Federal Register** under FFDCA section 408(f), if needed. The order would specify data needed and the timeframes for submission of the data

and would require that within 90 days, some person or persons, notify EPA that they will submit the data. If the data are not submitted as required in the order, EPA will take appropriate action under FFDCA.

After considering comments that are received in response to this proposed rule, EPA will issue a final rule. At the time of the final rule, you may file an objection or request a hearing on the action taken in the final rule. If you fail to file an objection to the final rule within the time period specified in the final rule, you will have waived the right to raise any issues resolved in the final rule. After the filing deadline specified in the final rule, issues resolved in the final rule cannot be raised again in any subsequent proceedings.

II. Background

A. What is a tolerance?

A "tolerance" represents the maximum level for residues of a pesticide chemical legally allowed in or on food, which includes raw agricultural commodities and processed foods and feed for animals. Under the FFDCA, residues of a pesticide chemical that are not covered by a tolerance or exemption from the requirement of a tolerance are considered unsafe. See 21 U.S.C. 346a(a)(1). Foods containing unsafe residues are deemed adulterated and may not be distributed in interstate commerce. See 21 U.S.C. 331(a) and 342(a)(2)(B). Consequently, for a food-use pesticide (*i.e.*, a pesticide use that is likely to result in residues in or on food) to be sold and distributed, the pesticide must not only have appropriate tolerances or exemptions under the FFDCA, but also must be registered under FIFRA. Food-use pesticides not registered in the United States must have tolerances or exemptions in order for commodities treated with those pesticides to be imported into the United States. For additional information about tolerances, go to <https://www.epa.gov/pesticide-tolerances/about-pesticide-tolerances>.

B. Why does EPA consider international residue limits?

When establishing a tolerance for residues of a pesticide, EPA must determine whether Codex has established a MRL for that pesticide. See 21 U.S.C. 346a(b)(4). Additionally, as part of the registration review of a pesticide (see Unit II.C.), EPA determines whether international MRLs exist for commodities and chemicals for which U.S. tolerances have been established. Where appropriate, EPA's

intention is to harmonize U.S. tolerances with those international MRLs to facilitate trade. EPA's effort to harmonize with international MRLs is summarized in the tolerance reassessment section of the individual Human Health Draft Risk Assessments that support the pesticide registration review.

C. What is registration review?

Under FIFRA section 3(g), 7 U.S.C. 136a(g), EPA is required to periodically review all registered pesticides and determine if those pesticides continue to meet the standard for registration under FIFRA. See also 40 CFR 155.40(a). The registration review program is intended to make sure that, as the ability to assess risk evolves and as policies and practices change, all registered pesticides can continue to be used without causing unreasonable adverse effects on human health and the environment. As part of the registration review of a pesticide, EPA also evaluates whether existing tolerances are safe, whether any changes to existing tolerances are necessary or appropriate, and whether any new tolerances are necessary to cover residues from registered pesticides. In addition, any tolerance changes identified as necessary or appropriate during registration review of a pesticide are summarized in the registration review decision documents for each pesticide active ingredient or registration review case (e.g., in the Proposed Interim Decision (PID), Proposed Final Decision (PFD), Interim Decision (ID) and Final Decision (FD)). These documents can be found in the public docket that has been opened for each pesticide, which is available online at <https://www.regulations.gov>, using the docket ID number listed in Unit III. for each pesticide active ingredient included in this proposed action. Additional information about pesticide registration review is available at <https://www.epa.gov/pesticide-reevaluation>.

D. What are "Safety Findings"?

EPA has assessed the individual risks from exposure to the pesticide active ingredients identified and discussed in Unit III., taking into consideration all reliable data on toxicity and exposure, including for infants and children, and has included a safety finding under FFDCA section 408(b) for the proposed tolerance actions. Based on the supporting risk assessments and registration review documents, which demonstrate that the aggregate exposure for each individual chemical is below the Agency's level of concern, EPA

concludes there is a reasonable certainty that no harm will result to the general population, or specifically to infants and children, from aggregate exposure to residues of the pesticide active ingredients identified and discussed in Unit III. Thus, EPA has determined that the proposed tolerances for residues of the pesticide active ingredients identified and discussed in Unit III. are safe.

Adequate enforcement methodology as described in the supporting documents is available to enforce the tolerance expressions. Chemical specific safety findings are discussed in detail in the human health risk assessments conducted to support the registration review of each specific pesticide active ingredient or registration review case. The human health risk assessments can be found in the public docket that has been opened for each pesticide, which is available online at <https://www.regulations.gov> using the docket ID number listed in Unit III.

E. How does EPA's policy on children's health apply to tolerance actions?

EPA's Policy on Children's Health (October 5, 2021) requires EPA to protect children from environmental exposures by consistently and explicitly considering early life exposures (from conception, infancy, early childhood and through adolescence until 21 years of age) and lifelong health in all human health decisions through identifying and integrating children's health data and information when conducting risk assessments. <https://www.epa.gov/system/files/documents/2021-10/2021-policy-on-childrens-health.pdf>.

FFDCA section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . ." (FFDCA 408(b)(2)(C)). Consistent with FFDCA section 408(b)(2)(D), and the factors specified therein, EPA has reviewed the available scientific data and other relevant information in support of these proposed tolerance actions. The Agency's consideration is documented in the pesticide specific registration review decision documents. See the pesticide specific discussions in Unit III. and the chemical specific registration review documents that are available in the pesticide specific docket as identified in Unit III.

III. Proposed Tolerance Actions

EPA is proposing to take the specific tolerance actions identified in this unit and as described in the March 2022 Combined PWP/PID. Capric (decanoic) acid, caprylic (octanoic) acid, and pelargonic (nonanoic) acid are registered for antimicrobial use as a sanitizer on food processing and dairy equipment. As a result of those uses, residues of these chemicals may be found in food that come into contact with treated surfaces; thus, that use is categorized as an "indirect food use" that requires a tolerance or exemption. Absent information supporting a conclusion that no residues would be available for transfer to food, a tolerance or tolerance exemption is required for capric (decanoic) acid, caprylic (octanoic) acid, and pelargonic (nonanoic) acid.

However, the Agency is now proposing to amend these established tolerance exemptions because they include outdated application rate limits. Because the latest evaluations of these pesticides determined that there are no dietary risks of concern, the application rate limits on the tolerance exemptions are no longer necessary. Additionally, the Agency is proposing to remove several duplicative tolerance exemptions that were not initially identified in the combined PWP/PID but are justified by the same science rationale as described in the combined PWP/PID.

A. 40 CFR 180.940; Capric (Decanoic) Acid

As noted in the March 2022 PWP/PID, there are exemptions from the requirement of a tolerance under 40 CFR 180.940 (b) and (c) for residues of capric (decanoic) acid when applied to dairy-processing equipment and food processing equipment and utensils, with the limitation that the end-use concentration of capric (decanoic) acid does not exceed 90 ppm (section b), and 234 ppm (section c). After the issuance of the PWP/PID, it was found that an exemption from the requirement of a tolerance for capric (decanoic acid) exists in section (a) as well with the limitation that the end-use concentration of caprylic (octanoic) acid is not to exceed 100 ppm. EPA, on its own initiative is therefore proposing to remove the redundant exemptions and limits for capric (decanoic) acid under 40 CFR 180.940 (b) and (c) entirely, and to remove the 100 ppm limit for capric (decanoic) acid from 180.940(a). As discussed in Unit II.D., EPA concludes there is a reasonable certainty that no harm will result to the general

population, or specifically to infants and children, from aggregate exposure to capric (decanoic acid) residues. The proposed tolerance changes are considered safe and adequate enforcement methodology is available.

B. 40 CFR 180.940; Caprylic (Octanoic) Acid

As noted in the March 2022 PWP/PID, there are exemptions from the requirement of a tolerance under 40 CFR 180.940 (b), and (c) for residues of caprylic (octanoic) acid when applied to dairy-processing equipment and food processing equipment and utensils, with the limitation that the end-use concentration of caprylic (octanoic) acid does not exceed 176 ppm (section b), and 234 ppm (section c). After the issuance of the PWP/PID, it was found that two exemptions from the requirement of a tolerance for caprylic (octanoic) acid exist in section (a) as well with limitations that the end-use concentration of caprylic (octanoic) acid is not to exceed 52 ppm and 100 ppm. EPA, on its own initiative is therefore proposing to remove the redundant exemptions and limits for caprylic (octanoic) acid from 40 CFR 180.940 (b) and (c) entirely, and to remove the 100 ppm limits for caprylic (octanoic) acid from 180.940(a). As discussed in Unit II.D., EPA concludes there is a reasonable certainty that no harm will result to the general population, or specifically to infants and children, from aggregate exposure to caprylic (octanoic) acid residues. The proposed tolerance changes are considered safe and adequate enforcement methodology is available.

C. 40 CFR 180.940; Pelargonic (Nonanoic) Acid

As noted in the March 2022 PWP/PID, there are exemptions from the requirement of a tolerance under 40 CFR 180.940(a), (b), and (c) for residues of pelargonic (nonanoic) acid when applied to dairy-processing equipment and food processing equipment and utensils, with the limitation that the end-use concentration of pelargonic (nonanoic) acid does not exceed 100 ppm (section a) and 90 ppm (sections b and c). EPA, on its own initiative is therefore proposing to remove the redundant exemptions and limits for pelargonic (nonanoic) acid from 40 CFR 180.940 (b) and (c) entirely, and to remove the 100 ppm limit for pelargonic (nonanoic) acid from 180.940(a). As discussed in Unit II.D., EPA concludes there is a reasonable certainty that no harm will result to the general population, or specifically to infants and children, from aggregate exposure

to pelargonic (nonanoic) acid residues. The proposed tolerance changes are considered safe and adequate enforcement methodology is available.

D. 40 CFR 180.1159(c); Pelargonic (Nonanoic) Acid

Also outlined in the March 2022 PWP/PID, there is an exemption from the requirement of a tolerance for residues of pelargonic (nonanoic) acid in or on all raw agricultural commodities and in processed commodities, when such residues result from the use of pelargonic (nonanoic) acid as an antimicrobial treatment in solutions containing a diluted end-use concentration of pelargonic (nonanoic) acid on food contact surfaces such as equipment, pipelines, tanks, vats, fillers, evaporators, pasteurizers and aseptic equipment in restaurants, food service operations, dairies, breweries, wineries, beverage and food processing plants, with a limitation of 170 ppm. EPA, on its own initiative, is therefore proposing to remove the limit of 170 ppm under 40 CFR 180.1159(c) for pelargonic (nonanoic) acid. As discussed in Unit II.D., EPA concludes there is a reasonable certainty that no harm will result to the general population, or specifically to infants and children, from aggregate exposure to pelargonic (nonanoic) acid residues. The proposed tolerance changes are considered safe and adequate enforcement methodology is available.

E. 40 CFR 180.1225; Capric (Decanoic) Acid

As outlined in the March 2022 PWP/PID, there is an exemption from the requirement of a tolerance for residues of capric (decanoic) acid in or on all raw agricultural commodities and in processed commodities, when such residues result from the use of capric (decanoic) acid as an antimicrobial treatment in solutions containing a diluted end-use concentration of capric (decanoic) acid on food contact surfaces such as equipment, pipelines, tanks, vats, fillers, evaporators, pasteurizers, and aseptic equipment in restaurants, food service operations, dairies, breweries, wineries, beverage and food processing plants, with the limitation of 170 ppm. EPA, on its own initiative, is therefore proposing to remove the limit of 170 ppm under 40 CFR 180.1225 for capric (decanoic) acid. As discussed in Unit II.D., EPA concludes there is a reasonable certainty that no harm will result to the general population, or specifically to infants and children, from aggregate exposure to capric (decanoic) acid residues. The proposed tolerance changes are considered safe

and adequate enforcement methodology is available.

IV. Proposed Effective and Expiration Date(s)

EPA is proposing that these tolerance actions would be effective on the date of publication of the final rule in the **Federal Register**. However, for actions in the final rule that lower or revoke existing tolerances, EPA is proposing an expiration date for the existing tolerance of six months after the date of publication of the final rule in the **Federal Register**, to allow a reasonable interval for producers in exporting members of the World Trade Organization's (WTO's) Sanitary and Phytosanitary (SPS) Measures Agreement to adapt to the requirements.

V. Statutory and Executive Order Reviews

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

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

This action is exempt from review under Executive Order 12866 (58 FR 51735, October 4, 1993), as amended by Executive Order 14094 (88 FR 21879, April 11, 2023), because it proposes to establish or modify a pesticide tolerance or a tolerance exemption under FFDC section 408. This exemption also applies to tolerance revocations for which extraordinary circumstances do not exist. As such, this exemption applies to the tolerance revocations in this proposed rule because the Agency knows of no extraordinary circumstances that warrant reconsideration of this exemption for those proposed tolerance revocations.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA 44 U.S.C. 3501 *et seq.*, because it does not contain any information collection activities.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA, 5 U.S.C. 601 *et seq.* In making this determination, EPA concludes that the impact of concern for this action is any significant adverse economic impact on small entities and that the Agency is certifying that this action will not have a significant economic impact on a substantial

number of small entities because the action has no net burden on small entities subject to this rulemaking. This determination takes into account an EPA analysis for tolerance establishments and modifications that published in the **Federal Register** of May 4, 1981 (46 FR 24950) (FRL-1809-5), and for tolerance revocations on December 17, 1997 (62 FR 66020) (FRL-5753-1). Additionally, in a 2001 memorandum, EPA determined that eight conditions must all be satisfied in order for an import tolerance or tolerance exemption revocation to adversely affect a significant number of small entity importers, and that there is a negligible joint probability of all eight conditions holding simultaneously with respect to any particular revocation. See Memorandum from Denise Keehner, Division Director, Biological and Economic Analysis Division, Office of Pesticide Programs, entitled “RFA/SBREFA Certification for Import Tolerance Revocation” and dated May 25, 2001, which is available in docket ID No. EPA-HQ-OPP-2005-0322 at <https://www.regulations.gov>.

For the pesticides named in this rulemaking, EPA concludes that there is no reasonable expectation that residues of the pesticides for tolerances listed in this rulemaking for revocation will be found on the commodities discussed in this rulemaking, and the Agency knows of no extraordinary circumstances that exist as to the present proposed rule that would change EPA’s previous analyses.

Any comments about the Agency’s determination for this rulemaking should be submitted to EPA along with comments on the proposed rule and will be addressed in the final rule.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of \$100 million or more (in 1995 dollars and adjusted annually for inflation) as described in UMRA, 2 U.S.C. 1531-1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not have substantial direct effects on tribal governments, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866 (See Unit V.A.), and because EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. However, EPA’s 2021 *Policy on Children’s Health* applies to this action as discussed in Unit II.D. generally, and in Unit III. in the context of the individual chemicals addressed in this action.

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

This action is not subject to Executive Order 13211 (66 FR 28355) (May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer Advancement Act (NTTAA)

This action does not involve technical standards that would require Agency consideration under NTTAA section 12(d), 15 U.S.C. 272.

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

EPA believes that the human health and environmental conditions that exist prior to this action do not result in disproportionate and adverse effects on communities with EJ concerns as described in Executive Orders 12898 (59 FR 7629, February 16, 1994), and 14096 (88 FR 25251, April 26, 2023). Furthermore, EPA believes that this action is not likely to result in new disproportionate and adverse effects on

communities with environmental justice concerns. As discussed in more detail in the pesticide specific risk assessments conducted as part of the registration review for each pesticide identified in Unit III., EPA has considered the safety risks for the pesticides subject to this rulemaking and in the context of the tolerance actions set out in this rulemaking. See also Unit I.D.3.

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 28, 2024.

Edward Messina,
Director, Office of Pesticide Programs.

Therefore, the EPA proposes to amend 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

- 2. Amend § 180.940 by:
 - a. In table 1 in paragraph (a):
 - i. Removing the entries for “Decanoic acid”; Nonanoic acid”; and “Octanoic acid”;
 - ii. Adding in alphabetical order the entries “Capric (decanoic) acid”; “Caprylic (octanoic) acid”; and “Pelargonic (nonanoic) acid”;
 - b. In the table in paragraph (b) removing the entries for “Decanoic acid”; “Nonanoic acid”; and “Octanoic acid”; and
 - c. In the table in paragraph (c) removing the entries in paragraph (c) for “Decanoic acid”; “Nonanoic acid”; and “Octanoic acid”.

The additions read as follows:

§ 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (Food-contact surface sanitizing solutions).

* * * * *
(a) * * *

TABLE 1 TO PARAGRAPH (a)

Pesticide chemical	CAS Reg. No.	Limits
* * *	*	*
Capric (decanoic) acid	334-48-5	None.
Caprylic (octanoic) acid	124-07-2	None.
* * *	*	*
Pelargonic (nonanoic) acid	112-05-0	None.
* * *	*	*

* * * * *

■ 3. Amend § 180.1159 by revising the section heading and revising and republishing paragraph (c) to read as follows:

§ 180.1159 Pelargonic (nonanoic) acid; exemption from the requirement of tolerances.

* * * * *

(c) An exemption from the requirement of a tolerance is established for residues of pelargonic (nonanoic) acid in or on all raw agricultural commodities and in processed commodities, when such residues result from the use of pelargonic (nonanoic) acid as an antimicrobial treatment for application on food contact surfaces such as equipment, pipelines, tanks, vats, fillers, evaporators, pasteurizers and aseptic equipment in restaurants, food service operations, dairies, breweries, wineries, beverage and food processing plants.

■ 4. Revise and republish § 180.1225 to read as follows:

§ 180.1225 Capric (decanoic) acid; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of capric (decanoic) acid in or on all raw agricultural commodities and in processed commodities, when such residues result from the use of capric (decanoic) acid as an antimicrobial treatment in solutions containing a diluted end-use concentration of capric (decanoic) acid on food contact surfaces such as equipment, pipelines, tanks, vats, fillers, evaporators, pasteurizers and aseptic equipment in restaurants, food service operations, dairies, breweries, wineries, beverage and food processing plants.

[FR Doc. 2024–20078 Filed 9–5–24; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 90 and 96

[GN Docket No. 17–258; FCC 24–86; FR ID 240738]

Promoting Investment in the 3550–3700 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this document the Federal Communications Commission (FCC or Commission) continues to shape development of the Citizens Broadband

Radio Service operations in the 3.55–3.7 GHz band (3.5 GHz band). This Notice of Proposed Rulemaking (NPRM) provides an overview of the federal protection regime implemented by the National Telecommunications and Information Administration (NTIA), Department of Defense (DoD), and Commission staff and solicits input on proposals to update the technical and service rules. It also seeks commenters' ideas for further innovations and improvements to the 3.5 GHz band.

DATES: Interested parties may file comments on or before October 7, 2024; and reply comments on or before November 5, 2024.

ADDRESSES: You may submit comments, identified by GN Docket No. 17–258, by any of the following methods:

- *Federal Communications Commission's Website:* <http://apps.fcc.gov/ecfs/>. Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: FCC504@fcc.gov or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For additional information on this proceeding, contact Paul Powell of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418–1613 Paul.Powell@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking in GN Docket No. 17–258, FCC 24–86, adopted on August 5, 2024, and released on August 16, 2024. The full text of this document is available for public inspection online at <https://www.fcc.gov/document/fcc-looks-modernize-35-ghz-citizens-broadband-radio-service-rules>.

Providing Accountability Through Transparency Act: The Providing Accountability Through Transparency Act, Public Law 118–9, requires each agency, in providing notice of a rulemaking, to post online a brief plain language summary of the proposed rule. The required summary of this Notice of Proposed Rulemaking is available at <https://www.fcc.gov/proposed-rulemakings>.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first

page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: <https://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, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Ex Parte Status: The proceeding this NPRM initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter

may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b). In proceedings governed by § 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules. We find that all *ex parte* presentations made by NTIA or Department of Defense representatives relating to the development and implementation of spectrum access in the 3.5 GHz band are exempt under our exemption for presentations by federal agencies sharing jurisdiction with the Commission.

WTB and OET staff—in close collaboration with NTIA and DoD—communicate with SAS administrators and ESC operators in providing Commission staff oversight of the administration of sharing the 3.5 GHz band. We determine the ongoing communications are not subject to the permit-but-disclose requirements of the pending proceeding because the communications are not directed to the merits or outcome of the proceeding (*i.e.*, not presentations) and instead relate to the procedural matters of WTB and OET oversight of the SASs and ESCs as delegated by the Commission. The Commission will not seek to rely on the SAS/ESC oversight conversations in the pending proceeding. If a SAS administrator or ESC operator wishes to provide feedback that is directed to the merits of this proceeding, it may do so using the comment filing procedures detailed in this section.

Old section	New section
90.1303	Removed.
90.1305	Removed.
90.1307	Removed.
90.1309	Removed.
90.1311	Removed.
90.1312	Removed.
90.1319	Removed.
90.1321	Removed.
90.1323	Removed.

Old section	New section
90.1331	Removed.
90.1333	Removed.
90.1335	Removed.
90.1337	Removed.
90.1338	Removed.
96.11(a)(3)	Removed.
96.15(b)(3)	Removed.
96.15(b)(4)	96.15(b)(3).
96.21	Removed.
96.53(m)	Reserved.

1. With this NPRM, the Federal Communications Commission (FCC or Commission) continues to develop the Citizens Broadband Radio Service operations in the 3.55–3.7 GHz band (3.5 GHz band). This NPRM provides an overview of the federal protection regime implemented by the National Telecommunications and Information Administration (NTIA), Department of Defense (DoD), and Commission staff and solicits input on proposals to update the technical and service rules. Specifically, with regard to federal protection in the band, this NPRM proposes to modify the part 96 rules to reflect the mechanisms currently used to protect federal users in the 3.5 GHz band and seeks comment on whether we should consider rule changes to align 3.5 GHz protection methodologies with those in adjacent bands, revisit the FCC’s Environmental Sensing Capability (ESC) approval procedures, and facilitate the continued introduction of Citizens Broadband Radio Service in areas outside of the contiguous United States (CONUS). The NPRM specifically seeks comment on whether changes to the part 96 technical and service rules are necessary to clarify information disclosure requirements, align out-of-band emissions limits with those in adjacent bands, permit higher power levels, relax Spectrum Access System (SAS) connectivity requirements, impose Time Division Duplex (TDD) coordination procedures, or update protection measures for certain Fixed Satellite Service (FSS) earth stations. The NPRM also seeks comment on whether to address issues surrounding professional installation, accommodate additional deployment of private networks and low power indoor facilities, or adopt rules to facilitate General Authorized Access (GAA) user coexistence. The Declaratory Ruling would clarify that NTIA and DoD are not considered “the general public” for purposes of the Commission’s rule governing disclosure of Citizens Broadband Radio Service Device registration information.

A. Federal Protection and Coordination

2. In this NPRM, the Commission continues efforts to provide regulatory certainty and promote innovation, investment, and continued growth of the Citizens Broadband Radio Service. Consistent with these objectives, the Commission proposes to modify the part 96 service rules to codify refinements that WTB and OET, in close coordination with NTIA and DoD staff, have implemented pursuant to delegated authority. We also explore the need for changes to the dynamic protection area (DPA)-based framework that could improve the ways in which DPA-based protections operate. Specifically, we seek comment on whether we should expand the use of a coordination portal to protect federal operations, update our rules to align protection measures with those in adjacent bands, consider modifying our ESC procedures to address potential effects on competition and the marketplace, or consider permitting Citizens Broadband Radio Service operations in offshore areas. We also note that any proposed rule changes that may impact incumbent federal operations—including the protection methodologies used to prevent harmful interference to incumbent federal users—will need to be coordinated with NTIA and DoD.

1. Dynamic Protection Areas

3. In 2018, the FCC’s WTB and OET granted a conditional waiver of certain rules governing the protection of federal operations in the 3.5 GHz band to facilitate more rapid access to the band by a wider variety of devices without compromising federal incumbent operations. The 2018 DPA Waiver Order requires DPA-enabled SASs to protect an activated DPA from aggregate interference. DPAs are activated when DoD radar systems are using the band (as detected by ESC sensors or as scheduled through and approved by a scheduling portal), signaling that federal incumbents must be protected from other users in the band. While a DPA is “active,” the DPA-enabled SAS must manage Citizens Broadband Radio Service Device (CBSD) frequency and power assignments to ensure that the entire DPA is protected from aggregate interference within the active frequency range. This dynamic approach eliminates the need for DPA-enabled SASs to enforce Exclusion Zones in coastal regions and other geographic areas protected by DPAs. Following the 2018 DPA Waiver Order, NTIA and DoD have worked closely with WTB and OET to further refine the federal

coordination process in the 3.5 GHz band.

4. *Coastal DPAs.* In a 2018 letter, NTIA recommended replacing static coastal Exclusion Zones with “coastal DPAs” to help make the 3.5 GHz band more accessible to commercial users in coastal regions. NTIA indicated that “coastal DPAs” would be located in specific geographic areas along the East, Gulf, West, Alaskan, Hawaiian, and Puerto Rican coasts to protect shipborne radar systems and may be used to protect terrestrial facilities, as well. DPA-enabled SASs have used Coastal DPAs to protect federal operations since the initiation of commercial operations in the 3.5 GHz band. We now propose to define coastal DPAs in the Commission’s rules and to require all current and future SASs to utilize them to protect federal operations. We seek comment on this proposal.

5. *Portal-Activated DPAs.* To facilitate increased participation and maximize non-federal access to 3.5 GHz spectrum near federal facilities designated for testing and training by DoD and the military services, NTIA, DoD, and WTB/OET agreed to utilize a dedicated scheduling portal to protect federal operations. The scheduling portal allows federal operators to reserve their use of specific frequency ranges in the band for developmental and operational testing and various training activities. The scheduling portal is also used to protect federal operations in some coastal areas. Employing “portal-activated” DPAs (P-DPAs) to protect test and training ranges, SAS administrators are required to communicate with the portal on a regular basis to manage federal and non-federal shared use of the band. We propose to require SASs to use an approved scheduling portal to protect P-DPAs and add a definition of P-DPAs to the part 96 rules. We seek comment on this proposal.

6. *Always Activated DPAs.* Another example of a more flexible approach is the use of “always activated” DPAs instead of static Exclusion Zones to protect eleven ground-based radar system sites operating below 3.5 GHz from experiencing harmful interference from non-federal operations in the 3.55–3.65 GHz band. To avoid delaying commercial buildout, NTIA and WTB/OET determined that “always activated” DPA protection, based on limiting the maximum aggregate received power level from the CBSDs at the location of the radar antenna, offered the best means to provide buildout flexibility while fully protecting critical federal radar systems. We propose to require SASs to protect Always Activated DPAs

and to add a definition of Always Activated DPAs to the part 96 rules. We seek comment on this proposal.

7. Given the successful implementation of DPA-based protections and the resulting growth in commercial use of the 3.5 GHz band, we propose to add detailed definitions for the different types of DPAs, as well as DPA Neighborhoods, and to make enforcement of DPA-based protections mandatory for all current and future SASs. We also propose to update the part 96 rules to incorporate the DPA framework adopted in the 2018 DPA Waiver Order. In addition, we seek comment on changes to the definition of “Exclusion Zone” to account for the possibility of coordination with federal users in the remaining areas protected by such zones. We also seek comment on whether there are changes or improvements we should make to the DPA-based framework to improve the ways in which DPA-based protections operate. We welcome suggestions regarding how we can modify the DPA regime to encourage Citizens Broadband Radio Service network buildout while maintaining protections for federal incumbents.

2. *DPA Coordination Portal*

8. As described above, designated federal test and training facilities, as well as some coastal areas, including the territory of American Samoa, are protected by P-DPAs. If a SAS administrator intends to operate as a DPA-enabled SAS—as all currently certified SASs have done—it must use an approved scheduling portal to protect designated P-DPAs.

9. DoD recently developed an automated system called the Telecommunications Advanced Research and Dynamic Spectrum Sharing System (TARDyS3) to replace the manual scheduling portal used to activate the P-DPAs. The TARDyS3 is a DoD calendar-based system that supports expeditious communications regarding spectrum use at test and training ranges in the 3.5 GHz band. Scheduling via TARDyS3 is designed to enable DoD users to reserve their spectrum use and communicate the use of a given Citizens Broadband Radio Service channel at a given time near the designated P-DPA.

10. Under current rules in § 96.63(n)(1), each SAS must “[o]perate[] without any connectivity to any military or other sensitive federal database or system, except as otherwise required by this part.” Accordingly, because the TARDyS3 portal is managed by DoD and includes information on DoD operations, WTB and OET waived

§ 96.63(n)(1) of the Commission’s rules to permit SAS administrators to utilize the TARDyS3 portal. WTB and OET found that the waiver furthers the public interest by improving the security, reliability, and resiliency of the scheduling portal utilized by SAS administrators to protect certain designated federal facilities in the 3.5 GHz band and by permitting the use of the TARDyS3 portal to improve federal coordination in the band. Correspondingly, WTB and OET instructed the SAS administrators to begin using the TARDyS3 portal by issuing a public notice.

11. We propose to modify the part 96 rules to require that SAS administrators use a Commission-authorized scheduling portal—currently, the TARDyS3 system—to protect P-DPAs. We believe that codifying this requirement will further the public interest by formalizing the use of a secure, reliable, and resilient scheduling portal that will be utilized by SAS administrators to improve federal coordination and ensure the protection of critical federal operations against harmful interference. We seek comment on this proposal. We also seek comment on possibly expanding future use of the portal system to protect federal operations in other areas, particularly in areas outside of the CONUS with difficult terrain or unique protection needs (e.g., Alaska and Hawaii). Do commenters see any need to distinguish any such areas from those already included in the TARDyS3 system? To that end, we seek comment on whether we should consider other applications for portal-based solutions to protect federal users and securely manage harmful interference between non-federal and federal entities.

3. *Alignment With 3.45 GHz Protections*

12. Following the adoption of 3.5 GHz band rules, Commission adopted rules for a new 3.45 GHz Service operating between 3.45–3.55 GHz that employed a federal/non-federal sharing regime that differs in some ways from the Citizens Broadband Radio Service spectrum sharing model. While operators in both the 3.45 GHz and 3.5 GHz bands are charged with protecting many but not all of the same federal radar systems (some of which operate across both bands), in some cases they are required to apply different protection methodologies in each band. In the 3.45 GHz Service, the Commission adopted a geographic protection model that utilizes geographic areas classified as Cooperative Planning Areas (CPAs) and Periodic Use Areas (PUAs) to protect certain federal operations against

harmful interference. To afford licensees maximum flexibility in deploying networks and offering services while still protecting remaining federal operations, the Commission adopted a coordination regime. New flexible-use 3.45 GHz Service licensees are required to coordinate with DoD incumbents operating within CPAs and PUAs to facilitate shared use of the band using a coordination portal, and 3.45 GHz Service licensees were encouraged to enter into mutually acceptable operator-to-operator agreements to permit more extensive flexible use within CPAs and PUAs by agreeing to a technical approach that mitigates the interference risk to federal operations.

13. We seek comment on whether there are opportunities to revise the rules governing the 3.5 GHz band to align the protection of specific inland and port-based federal systems and facilities given the spectrum sharing framework adopted in the adjacent 3.45 GHz band. Specifically, we seek comment on whether 3.5 GHz band protection methodologies could be aligned to correspond to 3.45 GHz band protections—for the same systems and facilities—to increase commercial access to the band while maintaining necessary protection for federal incumbent users. For example, some 3.45 GHz facilities protected by CPAs or PUAs are also protected from out of band emissions from the Citizens Broadband Radio Service by Always On DPAs. In some instances, the 3.5 GHz band protections may restrict non-federal operations more than the corresponding CPA or PUA. In addition, both services use a portal-based approach to protect certain federal incumbents, some of which span the two bands. Are there opportunities to create efficiencies by modifying the protection mechanisms in the 3.5 GHz band to better align with those in the 3.45 GHz band in these, or other instances? We note that any potential changes to the protection of federal operations will need to be coordinated with NTIA and DoD. We encourage commenters to consider approaches wherein we may be able to increase commercial spectrum opportunities and facilitate more efficient use of valuable spectrum resources.

4. ESC Coordination and Availability

14. In 2018, WTB and OET established procedures for ESC operators to register their ESC sensors prior to beginning operations in a particular DPA. These ESC sensor application requirements include, at a minimum, that the ESC operator demonstrate that the coverage provided

by the network of ESC sensors will comply with NTIA's published guidance and that the ESC operator must submit a detailed coverage map of the sensor network. Accordingly, WTB and OET evaluate the deployment of ESC sensors for DPA coverage. ESC sensors are not, however, evaluated for any competitive or marketplace impacts, including any potential negative effects on Citizens Broadband Radio Service users that are operating, or seeking to initiate operations, near an ESC sensor site. In addition, ESC operators are not currently required to make their services available to unaffiliated SAS administrators.

15. The Commission welcomes feedback on whether we should modify aspects of the ESC sensor approval requirements. Specifically, without altering existing DPA coverage requirements for ESC certification, should we consider modifying any of the ESC sensor approval procedures given the state of competition in the SAS/ESC marketplace? Should we direct WTB and OET to consider the competitive and deployment impacts of new ESC sensors during the ESC sensor approval process (*e.g.*, assessment of the population within the geographic area that would be potentially affected by a sensor deployment)? If so, how should those impacts be quantified and considered? In addition, to facilitate and maintain a competitive marketplace, should ESC operators be required to make their services available to any certified SAS administrator? We encourage commenters to provide detailed feedback, including technical and cost-benefit analyses and use cases, if applicable, to support their positions.

5. OCONUS and Offshore Citizens Broadband Radio Service Deployments

16. While the Commission has issued PALs, certified SAS administrators, and authorized GAA use in Alaska, Hawaii, and several U.S. territories outside of CONUS (OCONUS), in some OCONUS areas, operators have experienced unique delays and challenges specific to their geography or region. To date, Commission staff has worked in close coordination with NTIA and DoD to enable service by employing a portal based protection methodology for American Samoa, temporary portal-based solution for Hawaii, and ESC sensor deployment and coverage plans in Guam, Puerto Rico, and part of Alaska. Consistent with these efforts, we seek comment on whether there are other OCONUS areas that may benefit from an alternate approach to federal protection, on a temporary or permanent basis. We also seek comment generally

on the feasibility of implementing the Citizens Broadband Radio Service licensing framework in the 3.55–3.65 GHz band segment in OCONUS areas given the difficulty of installing ESC sensors in remote or hard-to-reach areas. How can we overcome the logistical and economic barriers to ESC development and deployment in OCONUS territories? Should we consider other means of ensuring federal protection in OCONUS areas? If so, what are the hurdles to achieving the desired outcome? Are there ways in which we can incentivize or expedite ESC deployment in OCONUS areas? Are there different approaches that might work better in different OCONUS areas? Should we modify our part 96 rules to effectuate these potential solutions and, if so, what specific changes should we make? Commenters should support their alternative proposals with corresponding cost/benefit analyses, including any underlying data and assumptions associated with such proposals.

17. We also seek comment on whether Citizens Broadband Radio Service operations should be permitted in offshore areas (*e.g.*, the Gulf of Mexico) in the 3.65–3.7 GHz band segment. We note that the Commission did not directly address potential offshore operations, including those in the Gulf of Mexico, in the 3.65–3.7 GHz band in its earlier orders. However, the 3.65–3.7 GHz band was used extensively by part 90 licensees, including some offshore deployments on oil rigs and other facilities, before the Citizens Broadband Radio Service transition was complete. What are the costs and benefits associated with permitting offshore Citizens Broadband Radio Service operations in the 3.65–3.7 GHz band? Could offshore operations in the 3.65–3.7 GHz band have adverse impacts on ESC sensors along the coastline and, if so, how could such interference be mitigated? How would CBSDs located offshore maintain connectivity with a SAS as required by the Commission's rules? Commenters should provide details regarding the potential operational impacts, costs, benefits, and resource considerations for new offshore service entrants and discuss any potential impact such operations may have on incumbent users in the area.

B. CBSD Information

18. Consistent with the Commission's rules, Priority Access Licensees and GAA users are required to register all CBSDs with, and be authorized by, a SAS prior to initial service transmission. In addition to the CBSD registration and authorization

requirements, Commission rules require CBSDs to provide received signal strength and other measured parameters to the SAS administrators upon request. Commission rules also restrict the CBSD information that SASs can disclose to the public. We welcome feedback on whether to make changes to the Commission's rules governing the breadth and scope of CBSD information provided to SASs and CBSD information availability.

19. *CBSD Measured Interference Metric Information.* The Commission requires CBSDs to provide measured interference metric information when a SAS administrator requests the data. We seek comment on how this works in practice. In the 2015 3.5 GHz First Report and Order, the Commission indicated that any such requirements may be set by a multistakeholder group. Are these issues effectively addressed in the standards set within WInnForum? Would different information or a broader set of information about the Citizens Broadband Radio Service radiofrequency environment support improvements in the 3.5 GHz band? In particular, we would be interested to understand if additional real world data about Citizens Broadband Radio Service operations would enable the SAS administrators to more effectively manage spectrum access within the band or if additional data could be beneficial to Priority Access Licensees, GAA users, the FCC, or NTIA and DoD. Do currently certified CBSDs have the capability to measure additional data about the PAL and GAA radiofrequency environment? In particular, the Commission is interested in whether CBSDs' measurement of additional data would require a hardware change or software upgrade and the costs of adding any such a capability to already certified CBSDs.

20. *CBSD Information Availability.* Initially, the SAS administrators were required to make CBSD registration information available to the general public and to "obfuscate the identities of the licensees providing the information for any public disclosures" to protect against public disclosure of confidential business information that could compromise personal privacy or affect competitive interests. The Commission subsequently modified the CBSD information disclosure requirement to provide that SAS administrators may not disclose "specific CBSD registration information to the general public except where such disclosure is authorized by the registrant" and SAS administrators are only required to "make available to the general public aggregated spectrum

usage data for any geographic area." When the Commission revised the public disclosure requirement, it noted that the success of the 3.5 GHz band's shared spectrum model requires providing prospective users with enough information to accurately assess the overall spectrum environment in an area to make investment and deployment decisions. Given the rapid and ongoing growth of commercial deployments in the band—along with stakeholder interest in increased transparency—current and future Citizens Broadband Radio Service users might benefit from more granular information on CBSD deployments to effectively plan their networks. Accordingly, we seek comment on whether the existing information disclosure rules provide sufficient data for current and future Citizens Broadband Radio Service users to plan their network deployments and make informed decisions regarding investments in the band.

21. Specifically, we seek comment on whether we should consider modifying our disclosure rules to reinstate the original information disclosure requirements or whether we should implement an alternative approach. Commenters are encouraged to indicate whether current permissible disclosure of aggregated spectrum usage data for a geographic area, including total available spectrum and the maximum available contiguous spectrum, provides sufficient information to determine whether a market they have singled out for consideration warrants CBSD deployment and capital investment. Commenters seeking changes to the disclosure rules should explain why the use of aggregate heat maps, showing the total amount of occupied and available spectrum in a given area of interest, has been insufficient to meet their needs.

22. Commenters seeking alternative disclosure rules, including a reversion to the original information disclosure requirements, should explain how their approach would balance existing operator interest in protecting sensitive network information with the legitimate information needs of prospective service providers and the general public. Specifically, proponents of alternative disclosure approaches should outline how their proposals would safeguard sensitive business or network operations data while yielding enough spectrum use data to assist parties interested in obtaining access to the band on a GAA basis or engaging with Priority Access Licensees for secondary market transactions.

23. In addition, as described in the Declaratory Ruling that accompanies

this NPRM, we clarify that NTIA and DoD are not considered "the general public" with regard to the CBSD information disclosure rule. To supplement the Declaratory Ruling and further clarify this point in part 96, we propose to modify § 96.55 of the Commission's rules to require SAS administrators to provide CBSD registration data to NTIA and DoD upon request. We seek comment on this proposal.

C. Out of Band Emissions Limits

24. We seek comment on whether we should align the Citizens Broadband Radio Service base station OOB limits with OOB limits adopted in the 3.7 GHz Service, which is adjacent to the upper edge of the 3.5 GHz band. In the Citizens Broadband Radio Service, the following OOB limits apply: (1) –13 dBm/MHz from 0 to 10 megahertz from the SAS assigned channel edge; (2) –25 dBm/MHz beyond 10 megahertz from the SAS assigned channel edge down to 3.53 GHz and up to 3.72 GHz; and (3) –40 dBm/MHz below 3.53 GHz and above 3.72 GHz. In the adjacent 3.7 GHz Band Service, the Commission subsequently adopted a less restrictive OOB limit for base station and mobile operations of –13 dBm/MHz that is consistent with limits for many other mobile wireless services. Declining to adopt more stringent emission limits both within and outside the 3.7 GHz band, the Commission stated that doing so would hinder the full potential of 5G deployment in the band. As for the mobile OOB limit, the Commission indicated that the effect on Citizens Broadband Radio Service operations below the 3.7 GHz band edge would be minimal and that the limit would permit mobile devices to operate across the variety of spectrum bands currently available for mobile broadband services.

25. The Commission seeks comment as to whether we should relax the Citizens Broadband Radio Service OOB limits at the upper edge of the 3.5 GHz band and, if so, what new OOB limit would be appropriate. Notably, recent requests for waivers of the OOB limits in the 3 GHz services underscore the challenge that the divergent OOB cutoffs in the 3 GHz bands potentially pose to equipment manufacturers seeking to introduce multi-band radio equipment that can operate across these adjacent bands. We seek comment on whether we should consider relaxing the OOB limits for operations within the Citizens Broadband Radio Service band. Would relaxing the 3.5 GHz band OOB limits both within and outside the band to comport with the adjacent 3.7 GHz Service OOB limits (*i.e.*,

replacing the current OOB limits with a -13 dBm/MHz OOB limit from 3.55 – 3.7 GHz) help to facilitate broader deployment of multi-band 5G radio equipment? Alternatively, would some other changes to the OOB limits (e.g., removing the -40 dBm/MHz limit above 3720 MHz while leaving the other limits unchanged) be more effective? Would such changes increase the possibility of harmful interference to adjacent band operations—or operations in nearby channels in the 3.5 GHz band—and, if so, how could such interference be mitigated? Would such changes privilege one type of user or network deployment over another? Commenters are encouraged to provide detailed cost-benefit and technical analyses to support their arguments.

D. Base Station (CBSD) and End User Device (UE) Power Levels

26. In adopting the rules governing CBSD and End User Device (UE) power levels in the Citizens Broadband Radio Service, the Commission strove to balance the public interest objectives of providing greater flexibility to operators against the need to ensure efficient use of the spectrum to create a flexible regime suitable for a wide variety of use cases.

27. We seek comment on whether to add one or more classes of higher power CBSDs to the Citizens Broadband Radio Service. If so, how should these classes be defined and what should the maximum permissible power levels be for each new class of CBSDs? We also seek comment on the potential effects that introducing higher power devices might have on the sharing environment both in and adjacent to the 3.5 GHz band. Specifically, would higher power levels affect spectrum availability near incumbent operations—including federal operations and FSS earth stations—and, if so, would some types of operations be more affected than others? Would higher power levels lead to increased geographic distance between base stations operated by different licensees? If so, could the increased distance potentially limit the number of simultaneous users in the band, making it less efficient in terms of number of users per megahertz? Would an increase in power lead to in-band or adjacent band coexistence issues between commercial wireless operators and, if so, would some types of deployments be affected more than others? If higher power devices are permitted, should we require the SASs to make any changes to their operations to ensure the equitable division of power levels and channel assignments

between different users and types of operations?

28. Commenters that support the addition of new higher power CBSD classes are encouraged to provide detailed technical analyses of any changes to incumbent protection criteria—including possible increases in the size of DPA neighborhoods and any corresponding increase in burdens on SAS administrators—that such changes might entail. Commenters should also provide technical and cost-benefit analyses on any potential impacts to commercial wireless operators in and adjacent to the 3.5 GHz band. Such analyses should explicitly address the impact of higher power CBSDs on the wide variety of Citizens Broadband Radio Service operations that have already been deployed in the 3.5 GHz band in reliance on the current rules. We also note that any changes to federal incumbent protection criteria—including any proposed changes to DPAs or DPA neighborhood distances—will need to be coordinated with NTIA and DoD.

29. Stakeholders in the 3.5 GHz band have also expressed an interest in aligning UE power levels with 3GPP standards. For example, both DISH and CCA propose increasing Citizens Broadband Radio Service UE power limits to allow operations at 26 dBm (instead of 23 dBm) which is in line with the 3GPP High Power UEs (HPUEs) definition. We seek comment on aligning UE power levels in the Citizens Broadband Radio Service with 3GPP standards. We also seek comment on the costs and benefits of allowing higher power End User devices to operate in the 3.5 GHz band. Given that UEs are not directly controlled by SASs, we seek comment on what the potential impact of introducing higher power UEs will be on incumbent operators and other Citizens Broadband Radio service users. Commenters supporting increased UE power levels should describe, in detail, how harmful interference from higher power UEs should be prevented. Specifically, commenters should indicate what protection measures should be put in place to prevent higher power UEs from causing harmful interference to incumbents and Priority Access Licensees in the band. We note that any proposed changes that may impact federal operations will have to be coordinated with NTIA and DoD.

E. SAS Connectivity and/or Outages

30. Fundamental to the Citizens Broadband Radio Service is the requirement that certified SASs must register and authorize all CBSDs. Notably, to facilitate timely and accurate

coordination, the part 96 rules require CBSDs to maintain SAS connectivity so they can update the SAS of a change in status and comply with SAS instructions within seconds of a triggering event. Each CBSD must register with, and receive authorization from, a SAS prior to its initial service transmission and must update the SAS within 60 seconds of any changes in its registration information, including the device's specific location. A CBSD must also receive and comply with any incoming commands from its associated SAS regarding any changes to power limits and frequency assignments within 60 seconds of receiving them, i.e., a CBSD must cease transmission, move to another frequency, or change its power level within 60 seconds as instructed by a SAS. These SAS connectivity and communications requirements help to ensure that higher tier operations—including federal operations—are continuously protected from harmful interference and that operations within the same tier can be effectively coordinated.

31. Since commercial services were first introduced in the band, the Commission has granted relief via conditional waiver to the National Football League (NFL) from specific SAS connectivity and communications rules and has worked with NTIA to implement broader relief from SAS signaling requirements in geographic areas and portions of the spectrum band that are outside of the scope of current federal operations. The NFL's waiver allows it to continue operating its GAA-based, coach-to-coach communications systems without connectivity to a SAS in the event of a localized internet outage in an NFL stadium during football game, provided a SAS had authorized the operations. This waiver and subsequent extensions imposed additional technical requirements (including ISP redundancy), and assigned detailed reporting requirements to the NFL.

32. In addition, WTB and OET, working in close collaboration with NTIA, permitted the SAS administrators to extend the CBSD reauthorization period from 300 seconds to 24 hours in geographic areas and portions of the spectrum band that are outside of the scope of current federal operations to provide a more stable and predictable spectrum environment for Citizens Broadband Radio Service users while ensuring an interference-free environment for critical federal operations. This approach will also ensure that SAS administrators will be able to timely respond to instructions from the President of the United States,

or another designated Federal Government entity, issued pursuant to 47 U.S.C. 606.

33. In light of these developments, the Commission seeks comment on whether there are other specific circumstances that may warrant less restrictive application of SAS connectivity requirements. Specifically, we seek comment on what, if any, circumstances or deployment types may warrant an alternate approach to SAS connectivity. If we were to provide some degree of situational flexibility, what changes to our SAS connectivity requirements should we consider? Should Citizens Broadband Radio Service users be required to renew access to any alternative approach periodically and, if so, what period would be appropriate? Should we provide more general, time limited relief to Citizens Broadband Radio Service operators in the event of a SAS outage or other connectivity issue?

34. The Commission also welcomes feedback on what factors to take into account in determining whether to relax SAS connectivity in specific circumstances. For example, should we consider different SAS connectivity requirements for spectrum usage that is both geographically and temporally confined (e.g., where the potential for interference is tempered by terrain attenuation or involves spectrum uses that are short in duration)? Along those lines, should we provide greater flexibility for low powered Category A CBSDs or should we provide flexibility to all CBSDs in circumstances where transmissions are less likely to cause harmful interference? If the latter, what would those circumstances be?

35. The Commission seeks comment on how federal operators and other incumbent users would be protected if we adopt more flexible SAS connectivity rules for some situations. If we modify our SAS connectivity requirements to reflect specific uses or circumstances, how should we implement such changes to ensure that incumbent federal operations, and other higher tier operators in the band, are protected? Would such changes increase the likelihood that higher tier users, including federal incumbents, would be subject to harmful interference? How, specifically, could interference issues be avoided or mitigated? Commenters that support changes to the current SAS connectivity rules should describe the underlying costs and benefits of their proposals and are encouraged to provide detailed information, including technical analyses, that show how any interference issues between and among 3.5 GHz band users would be avoided

or mitigated. We note that any proposed changes that may impact federal operations will have to be coordinated with NTIA and DoD.

F. Time Division Duplex (TDD) Synchronization (In-Band and Adjacent Band)

36. In the *3.45 GHz Second Report and Order*, the Commission allocated the 3.45 GHz band on an unpaired basis to promote a consistent spectral environment with adjacent 3.5 GHz and 3.7 GHz bands, both of which are also unpaired in the United States. Recognizing the benefits to all operators that come from TDD synchronization both within and across bands, the Commission found that the record indicated that TDD synchronization, where feasible, may assist in avoiding harmful interference between the 3.45 GHz Service and Citizens Broadband Radio Service operations. To minimize the potential for causing or receiving harmful interference while maintaining deployment flexibility and efficiency, the Commission encouraged intra-band synchronization where possible and required 3.45 GHz Service licensees to negotiate in good faith with requesting Citizens Broadband Radio Service operators to enable TDD synchronization across the two adjacent services.

37. While the *3.45 GHz Second Report and Order* required negotiations concerning the information to be provided to be conducted in good faith, with the goal of enabling TDD synchronization between the relevant systems, it did not impose an obligation on the 3.45 GHz Service licensee to make any corresponding changes to its operations or proposed operations, stating that parties are free to negotiate changes to either or both networks as part of their efforts. The Commission declined at the time to require TDD synchronization between networks operating in the adjacent 3.45 GHz and 3.5 GHz bands. The Commission was concerned that mandating TDD synchronization could undermine operator flexibility in determining the best use of this spectrum, especially as use cases and technologies change over time. The Commission now seeks comment on whether to impose out-of-band TDD coordination procedures on Citizens Broadband Radio Service licensees to make sure data sharing occurs on a bilateral basis between 3.45 GHz Service and Citizens Broadband Radio Service users seeking to provide service in the same or adjacent geographic areas. We also seek comment on whether Citizens Broadband Radio Service operators should have an

obligation to make any corresponding changes to their operations to facilitate TDD synchronization or if we should simply permit parties to negotiate changes to their respective networks.

38. The Commission declined to impose similar TDD synchronization measures on 3.7 GHz Service licensees; consequently there is no negotiation or coordination required between 3.7 GHz Service operators and Citizens Broadband Radio Service users. Similarly, the part 96 rules do not impose any obligation on Citizens Broadband Radio Service licensees to share TDD synchronization information upon request with adjacent band operators in either the 3.45 GHz or the 3.7 GHz Services. Given the changed circumstances in the adjacent band since the last time that the part 96 rules were examined, we seek comment on whether to impose out-of-band coordination requirements on Citizens Broadband Radio Service operators to encourage TDD synchronization with the adjacent 3.7 GHz band.

39. We also welcome feedback generally on the potential benefits and drawbacks of imposing in-band TDD coordination procedures on Citizens Broadband Radio Service licensees given the tiered licensing structure in the 3.5 GHz band. Could an in-band TDD synchronization requirement decrease the potential for harmful interference between operators in the Citizens Broadband Radio Service? Could TDD synchronization be equitably applied across the myriad use cases supported by the Citizens Broadband Radio Service, including GAA deployments? Could such requirements be managed at the SAS level and, if so, how would they be enforced? Would TDD synchronization improve the SASs' ability to coordinate between and among Citizens Broadband Radio Service users in the band? Would such requirements improve spectrum availability for synchronized operators? Would imposing TDD requirements impose new burdens on operators in the band? We encourage commenters to support their proposals with detailed cost benefit analyses and technical submissions.

G. FSS Protection

40. In developing the part 96 rules, the Commission adopted various measures to protect incumbent FSS earth stations, including the establishment of an annual registration requirement to protect qualified in-band FSS earth stations as well as adjacent 3.7–4.2 GHz band FSS earth stations used for satellite telemetry, tracking, and control (TT&C). For SASs to

adequately protect FSS incumbents, the Commission stated that SASs must be able to access detailed information regarding the technical and operational characteristics of each FSS earth station seeking protection and, if any of these characteristics change, the FSS earth station licensee requesting protection must update the relevant registration in the 3.5 GHz FSS database. To initiate this protection framework, the Commission required that FSS earth stations be registered and renewed annually.

41. Under the current rules, in the 3.7–4.2 GHz band only FSS earth stations used for TT&C are eligible for protection and some of those sites have been consolidated or taken off-line as part of the 3.7 GHz transition process. Moreover, while grandfathered FSS operators in the 3.5 GHz band retain incumbent status for active FSS earth stations, some of these earth stations may have been taken offline as a result of the 3.7 GHz transition process. Given these developments in the 3.7–4.2 GHz band, we seek comment on whether we should consider changes to § 96.17 and § 96.21 of the Commission's rules, which were adopted to protect incumbent FSS operations in and adjacent to the 3.5 GHz band. Specifically, we seek comment on whether we should limit protection of TT&C sites in the 3.7–4.2 GHz band to those facilities that were specifically identified in the *3.7 GHz Report and Order* and subsequent satellite operator submissions. We also seek comment more generally on whether we should modify section 96.17 of the Commission's rules to require FSS operators to provide additional technical or operational parameters as part of their annual registration submission to ensure that SASs have the most up-to-date and accurate information necessary to protect registered in-band and adjacent band FSS earth stations against harmful interference from Citizens Broadband Radio Service users operating in the 3.5 GHz band. What additional information would be useful?

42. We propose to clarify the Commission's rules to state that SASs no longer have to apply the protection criteria in 47 CFR part 90, subpart Z, to protect FSS earth stations in the 3.65–3.7 GHz band now that the transition window for Grandfathered Wireless Broadband Licensees has closed. Specifically, we propose to delete § 96.21 now that incumbent Grandfathered Wireless Broadband Licensees in the 3.65–3.7 GHz band have completed their transition from part 90 to part 96 of the Commission's

rules. Rather, the protection criteria set forth in § 96.17 for FSS earth stations in the 3.6–3.65 GHz band will apply to all grandfathered FSS earth stations in the 3.65–3.7 GHz band going forward. We seek comment on this proposal.

H. Grandfathered Wireless Broadband Licensees

43. In establishing service rules for the Citizens Broadband Radio Service, the Commission adopted a transition period for certain part 90 incumbent Grandfathered Wireless Broadband Licensees in the 3.65–3.7 GHz band to upgrade their equipment to comply with the part 96 rules. Recognizing the challenges associated with the regulatory transition and the significant investment, the Commission provided additional protections and a “reasonable transition period” for these Grandfathered Wireless Broadband Licensees. Under the transition framework, Grandfathered Wireless Broadband Licensees were given at least five years to transition their operations to the Citizens Broadband Radio Service, or to discontinue operations in the 3.65–3.7 GHz band. January 8, 2023 was the latest possible transition deadline for Grandfathered Wireless Broadband Licensees to either complete their transition to the Citizens Broadband Radio Service or discontinue operations in the band. If a Grandfathered Wireless Broadband Licensee failed to transition its sites to part 96 operations by that date then the licensee's sites are no longer authorized (unless a waiver or extension of the deadline had been granted).

44. We therefore propose to sunset the rules set forth in part 90, subpart Z that apply to wireless broadband services in the 3.65–3.7 GHz band and the corresponding rules protecting part 90 licenses from Citizens Broadband Radio Service operations. We tentatively conclude these rules are no longer needed as the transition period for the last Grandfathered Wireless Broadband Licensee's license ended on January 8, 2023. We seek comment on this proposal.

I. Other Issues

1. Certified Professional Installation

45. We seek comment on the efficacy of the current professional installation regime and whether any rule changes are needed to ensure that CBSDs are installed and maintained correctly. Do the current rules sufficiently ensure that CBSD locations and configurations are reported accurately? If not, what improvements could be made to better address the need for accurate CBSD

information in this band? We also seek comment on whether some devices that are classified as Category B devices under the rules (*e.g.*, outdoor Category A devices installed over 6 meters high, devices used solely as customer premise equipment, etc.) could be safely installed and operated without a CPI. If so, what safeguards should be required to ensure that such devices do not cause harmful interference to incumbent operators and other Citizens Broadband Radio Service users? Commenters are encouraged to provide specific feedback and to consider the costs and benefits for various use cases and network deployments.

2. Private Networks and Low Power Indoor Facilities

46. In the *3.5 GHz FNPRM*, the Commission sought comment on whether it would be in the public interest to allow critical users—such as hospitals, public safety organizations, and local governments—to receive interference protection, akin to Priority Access licensees, within a limited portion of the GAA pool for indoor use within their own buildings. The *3.5 GHz FNPRM* proposed that such Contained Access Users would be required to accept interference from GAA transmissions originating outside of their buildings and to undertake reasonable efforts to safeguard against harmful interference from those transmissions. After reviewing the record, the Commission declined to adopt the Contained Access Facility (CAF) proposal in the *3.5 GHz First Report and Order*. At the time, the Commission indicated that the potential need for such protection was outweighed by the additional costs and burdens of implementing this special priority within GAA use, but left the door open for further consideration.

47. Since 2015, the market for low power indoor operations has continued to develop, and the Commission has taken steps to authorize such operations with fewer restrictions than the Commission applied to outdoor deployments in the same spectrum bands. Notably, in the *6 GHz Report and Order*, the Commission authorized unlicensed low-power indoor access points across the entire 6 GHz band, stating that they would be ideal for connecting devices in homes and businesses such as smartphones, tablet devices, laptops, and internet-of-things (IoT) devices to the internet. Similarly, in the *5.9 GHz First Report and Order*, the Commission adopted rules allowing unlicensed indoor operations across the entire 5.850–5.895 GHz portion of the 5.9 GHz band by setting specific power

and technical limits to protect ITS service and federal radar operations from harmful interference. Adopting the same equipment-related hardware requirements as the 6 GHz band, the Commission permitted an exception to accommodate devices such as Wi-Fi extenders and mesh networking equipment that work in conjunction with an indoor access point and share the same propagation path, and thus the same power requirements, but stated that these devices could only be used within a single structure and not connect separate buildings or structures.

48. In addition, 3GPP implemented new 5G New Radio (5G NR) standards, some of which included new and enhanced features related to non-public networks. Industry stakeholders and analysts have also touted the expected rise of new opportunities in private networks in the 3.5 GHz band and elsewhere. The combination of the Commission's recent work on indoor deployments, developments in the standards process, and growing industry interest in private wireless networks, may support a reassessment of how the part 96 rules treat low power indoor operations, and private networks more generally, in the Citizens Broadband Radio Service. To that end, we seek comment on whether there are steps we can take to facilitate additional use of the 3.5 GHz band for low power indoor operations, including private networks. Specifically, should we allow operators to reserve some amount of GAA spectrum for private, low-power indoor operations—akin to the CAF approach—and, if so, what parameters should be established to ensure equitable access to spectrum resources and safeguard other operators from harmful interference? What specific use cases would benefit from this type of reservation model? Should eligibility be reserved for certain categories of users (e.g., public safety organizations, medical care facilities, etc.) or should it be more generally available? We also seek comment on whether we should adopt equipment-related hardware requirements and operational parameters similar to those adopted for indoor services in the 5.9 GHz and 6 GHz bands given that users in those bands are, in some cases, deploying low-power devices similar to Category A CBSDs and, if we did so, whether we would need to make any adjustments for 3.5 GHz band operations?

49. In addition, some network operators may be interested in using 3.5 GHz spectrum to operate drones within the confines of their indoor facilities. Such airborne operations are prohibited by the current service rules. Given that

building attenuation is a key factor in minimizing potentially harmful interference from indoor access points to incumbent receivers, should the Commission expressly allow the operation of drones connected to various low-power access points within a single structure or building? Would such operations be possible without causing harmful interference to higher tier operations? How would SAS administrators coordinate indoor drone operations? Would such operations benefit from some amount of reserved GAA spectrum (akin to the CAF model)?

50. Finally, we seek comment on whether a GAA spectrum reservation system—or other methods—could be used to facilitate and support the growing interest in private networks more generally. For instance, could a CAF-like GAA spectrum reservation system be used to support some outdoor private networks in geographically contained areas (e.g., corporate campuses or manufacturing facilities)? What effects would such a system have on spectrum access for other Citizens Broadband Radio Service users and the overall spectrum environment in the band? Are there other technical or policy approaches that we should consider to support deployment of private networks in the 3.5 GHz band? We ask that commenters submit detailed technical and/or economic analysis to support their positions, including assessments of the overall impact on spectrum availability and the potential effects on both incumbent operators and other Citizens Broadband Radio Service users.

3. GAA User Coexistence

51. To ensure flexibility for the development of the 3.5 GHz band, the Commission encouraged private industry to develop and implement the parameters of GAA coexistence. Section 96.35 of the Commission's rules sets forth the terms by which GAA users can access and use spectrum in the band. The rules require GAA users operating Category B CBSDs to make every effort to cooperate in the selection and use of available frequencies provided by a SAS to minimize the potential for interference and make the most effective use of the authorized facilities. GAA users must also make every effort to ensure that their CBSDs operate at a location, and with technical parameters, that will minimize the potential to cause and receive interference among CBSDs. Operators of CBSDs suffering from or causing harmful interference are expected to cooperate and resolve interference problems through technological solutions or by other

mutually satisfactory arrangements. As GAA use has rapidly increased in the past four years, the potential for conflict among and between GAA users has increased as well.

52. We note that it is Commission policy to “be proactive in supporting ‘good neighbor’ policies that promote more efficient and effective co-existence among spectrum users.” Accordingly, we seek comment on whether we should adopt rules to ensure equitable treatment of different GAA operators. Specifically, we seek comment on whether there are new rules, or clarifications of current rules, that could foster coexistence and preempt disputes among GAA users in a manner that will also advance GAA spectrum use and continued deployment of the Citizens Broadband Radio Service. Alternately, would the development of specific coexistence criteria be better left to multistakeholder groups? What would be the costs and benefits of any such rule changes and what impact would they have on existing and future GAA deployments? What role should the SASs play in monitoring GAA users' compliance with any such new rules? How could such rules be equitably enforced by the Commission? Commenters are encouraged to provide specific proposals, along with supporting technical and cost-benefit analyses, to support their proposals.

53. *Conforming Changes.* We take this opportunity to propose non-substantive edits to three rule sections we are otherwise revising, §§ 96.15, 96.17, and 96.30, to conform to the current stylistic requirements of the Office of the Federal Register.

54. *Digital Equity and Inclusion.* Finally, the Commission, as part of its continuing effort to advance digital equity for all, including people of color, persons with disabilities, persons who live in rural or Tribal areas, and others who are or have been historically underserved, marginalized, or adversely affected by persistent poverty or inequality, invites comment on any equity-related considerations and benefits (if any) that may be associated with the proposals and issues discussed herein. Specifically, we seek comment on how our proposals may promote or inhibit advances in diversity, equity, inclusion, and accessibility, as well the scope of the Commission's relevant legal authority.

IV. DECLARATORY RULING

55. In addition to seeking comment on proposed changes to our rules in the NPRM, we also adopt a Declaratory Ruling to clarify § 96.55(a) of our rules. Section 96.55(a)(3) provides that “SAS

Administrators shall not disclose specific CBSD registration information to the general public except where such disclosure is authorized by the registrant.” Through this Declaratory Ruling, we confirm that NTIA and DoD are not considered “the general public” for purposes of this information disclosure provision.

56. We recognize that NTIA and DoD possess equitable interests as government agencies that manage and hold co-primary spectrum rights in the 3.5 GHz band. We also note that NTIA and DoD have been critical partners in every phase of this proceeding and they are actively engaged in ongoing efforts to refine federal protection criteria and apply technical solutions to maximize commercial access to the 3.5 GHz spectrum and facilitate CBSD deployments in the band. To date, the part 96 information disclosure rule does not specify explicitly that NTIA and DoD are not considered “the general public.” By adopting this clarification, we ensure that NTIA and DoD can access CBSD registration information if either government agency requests such information from any SAS. On our own motion, we confirm that NTIA and DoD are not considered “the general public” under § 96.55(a).

57. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.” Accordingly, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning potential rule and policy changes contained in the NPRM. The IRFA is contained in Appendix B of the NPRM.

Initial Regulatory Flexibility Analysis

A. Need for, and Objectives of, the Proposed Rules

58. In the NPRM, the Commission proposes to make specific adjustments to the regulatory framework of the Citizens Broadband Radio Service spectrum sharing model in order to better protect federal operations and to maximize the amount of spectrum available for commercial broadband. Additionally, the NPRM seeks to improve the technical and service rules for the 3.5 GHz band to reflect changes in the operational environment for both Priority Access License (PAL) licensees and Citizens Broadband Radio Service licensees by soliciting and obtaining feedback from Citizens Broadband

Radio Service users, equipment manufacturers, prospective operators, and other stakeholders. Through comments, the Commission seeks to identify how we can best support the Commission’s goals of achieving continued growth in the Citizens Broadband Radio Service, fostering innovation, and building on the novel three-tiered sharing regime that was created to facilitate real-time spectrum sharing in the band.

59. As discussed above, the NPRM is a continuation of the Commission’s efforts since the *3.5 GHz First Report and Order* was adopted to work with our federal partners and industry stakeholders towards developing and implementing refinements to improve and expand spectrum access in the 3.5 GHz band. The NPRM proposes specific adjustments to the regulatory framework of the Citizens Broadband Radio Service to better protect federal operations and to maximize the amount of spectrum available for commercial broadband. To facilitate these goals, the NPRM seeks comment on a variety of matters such as making improvements to the part 96 rules that protect federal incumbent users in the 3.5 GHz band, modifying technical rules to optimize the potential uses of the band for the next generation of wireless services, while minimizing the impact on adjacent band incumbents consistent with the public interest; improving operating rules and regulatory issues, and measures to ensure professional installation and facilitate General Authorized Access (GAA) user coexistence in the band. Beyond federal protection measures, the NPRM also seeks comment on whether changes to the part 96 technical and service rules are necessary to clarify our information disclosure requirements, align out of band emissions (OOBE) limits with those in adjacent bands, permit higher power levels; relax Spectrum Access Systems (SAS) connectivity requirements, impose Time Division Duplex (TDD) coordination procedures, update protection measures for certain grandfathered incumbent licensees, address issues surrounding professional installation, accommodate private networks and low power indoor facilities, or adopt guidelines to encourage GAA user coexistence.

B. Legal Basis

60. The proposed action is authorized pursuant to sections 1, 2, 4(i), 4(j), 301, 302a(a), 303, and 307(e) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 301, 302a(a), 303, and 307(e).

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

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

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

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

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

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

65. *Wireless Telecommunications Carriers (except Satellite)*. This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services. The SBA size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms in this industry that operated for the entire year. Of that number, 2,837 firms employed fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 594 providers that reported they were engaged in the provision of wireless services. Of these providers, the Commission estimates that 511 providers have 1,500 or fewer employees. Consequently, using the SBA’s small business size standard, most of these providers can be considered small entities.

66. *Radio Frequency Equipment Manufacturers (RF Manufacturers)*. There are several analogous industries with an SBA small business size standard that are applicable to RF Manufacturers. These industries are Fixed Microwave Services, Other Communications Equipment Manufacturing, Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing. A description of 7

67. *Fixed Microwave Services*. Fixed microwave services include common carrier, private-operational fixed, and broadcast auxiliary radio services. They also include the Upper Microwave Flexible Use Service (UMFUS), Millimeter Wave Service (70/80/90 GHz), Local Multipoint Distribution Service (LMDS), the Digital Electronic Message Service (DEMS), 24 GHz Service, Multiple Address Systems (MAS), and Multichannel Video

Distribution and Data Service (MVDDS), where in some bands licensees can choose between common carrier and non-common carrier status. Wireless Telecommunications Carriers (*except Satellite*) is the closest industry with an SBA small business size standard applicable to these services. The SBA small size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of fixed microwave service licensees can be considered small.

68. The Commission’s small business size standards with respect to fixed microwave services involve eligibility for bidding credits and installment payments in the auction of licenses for the various frequency bands included in fixed microwave services. When bidding credits are adopted for the auction of licenses in fixed microwave services frequency bands, such credits may be available to several types of small businesses based average gross revenues (small, very small and entrepreneur) pursuant to the competitive bidding rules adopted in conjunction with the requirements for the auction and/or as identified in Part 101 of the Commission’s rules for the specific fixed microwave services frequency bands.

69. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA’s small business size standard.

70. *Other Communications Equipment Manufacturing*. This industry comprises establishments primarily engaged in manufacturing communications equipment (except telephone apparatus, and radio and television broadcast, and wireless communications equipment). Examples of such manufacturing include fire

detection and alarm systems manufacturing, Intercom systems and equipment manufacturing, and signals (*e.g.*, highway, pedestrian, railway, traffic) manufacturing. The SBA small business size standard for this industry classifies firms having 750 or fewer employees as small. For this industry, U.S. Census Bureau data for 2017 shows that 321 firms operated for the entire year. Of that number, 310 firms operated with fewer than 250 employees. Based on this data, we conclude that the majority of Other Communications Equipment Manufacturers are small.

71. *Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing*. This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are: transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment. The SBA small business size standard for this industry classifies firms having 1,250 employees or less as small. U.S. Census Bureau data for 2017 show that there were 656 firms in this industry that operated for the entire year. Of this number, 624 had fewer than 250 employees. Based on this data, we conclude that a majority of manufacturers in this industry are small.

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

72. The Commission expects the rules proposed in the NPRM will impose new and/or additional reporting or recordkeeping and/or other compliance obligations on small entities as well as other applicants and licensees, if adopted. We also note that in addition to the proposed rule changes discussed above, there will likely be other new compliance obligations that emerge based on feedback received through comments. The reporting, recordkeeping and other compliance obligations proposed for small entities and other licensees are described below.

73. In order to comply with the proposed rules, should they be adopted, small entities and other licensees would be subject to certain technical rules established to maximize the flexible use of the 3.5 GHz band spectrum while minimizing the impact on adjacent band incumbents, an approach that is consistent with the public interest. In addition to aligning the technical rules

for this band with those adopted in the 3.7 GHz band, we propose and seek comment on technical rules regarding power limits, out-of-band emissions limits, antenna height limits, service area boundary limits, international coordination requirements, and any other technical rules that will most effectively meet our objectives of optimizing use of the band without causing harmful interference to new, non-federal licensees and federal incumbents operating in adjacent bands.

74. Small entities may be required to hire attorneys, engineers, consultants, or other professionals to comply with the proposed rules in the NPRM, if adopted. In particular, for small entities that are not existing operators and do not have existing staffing dedicated to regulatory compliance, engineering and legal expertise may be necessary to make the requisite filings and to demonstrate compliance with the proposed performance obligations. At this time, while the Commission cannot quantify the cost of compliance with the proposed rule changes, we note that several of the proposed changes are consistent with and mirror existing policies and requirements used for other part 27 flexible use licenses. Therefore, small entities with existing licenses in other bands may already be familiar with such policies and requirements and have the processes and procedures in place to facilitate compliance resulting in minimal incremental costs for compliance should similar requirements be adopted for 3.5 GHz band spectrum. We also note that for most of the proposals and requests for comments in the NPRM, the Commission also requests a cost and benefit analysis. The Commission expects that the information it receives in comments will help it to identify and evaluate all relevant matters associated with the proposed reallocation and the relocation of public safety operations out of the band, including compliance costs and other burdens on small entities.

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

75. The RFA requires an agency to describe any significant alternatives that could minimize impacts to small entities that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the

clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.” In the NPRM, the Commission has taken steps to minimize the economic burden on small entities that may occur if some of the proposed rule changes are adopted, and has also considered significant alternatives throughout the development of our proposals in the NPRM.

76. *CBSD Information Availability.* Given the rapid and ongoing growth of commercial deployments in the band—along with stakeholder interest in increased transparency, in the NPRM we considered whether the existing information disclosure rules provide sufficient data for current and future Citizens Broadband Radio Service users to plan their network deployments and to make informed decisions regarding investments in the band. Specifically, we considered whether the best approach would be to modify our disclosure rules to reinstate the original information for disclosure requirements, or whether implementing an alternative approach would be the more prudent course of action. In the NPRM, we seek comment on this matter, and request that commenters seeking alternative disclosure rules, including a reversion to the original information disclosure requirements, should explain how their approach would balance existing operator interest in protecting sensitive network information with the legitimate information needs of prospective service providers.

77. *Technical Rules.* In the NPRM, the Commission also considers whether there are opportunities to revise the rules governing the 3.5 GHz band to align the protection of specific federal systems and facilities given the spectrum sharing framework adopted in the adjacent 3.45 GHz band. Specifically, we consider whether 3.5 GHz protection methodologies could be aligned with 3.45 GHz protections—for the same systems and facilities—to increase commercial access to the band while maintaining necessary protection for federal incumbent users. The NPRM focuses its inquiry on whether there are opportunities to create efficiencies by modifying the protection mechanisms in the 3.5 GHz band to better align with those in the 3.45 GHz band.

78. *Certified Professional Installation.* Noting the importance of accurate location reporting by professional installers to SASs, particularly in terms

of its impact on the ability of SASs to properly manage spectrum use in the band, the Commission strongly encouraged the SAS and Citizens Broadband Radio Service user community, through multistakeholder fora or industry associations, to develop programs for accrediting professional installers who will receive training in the relevant part 96 rules and associated technical best practices. The WTB and the OET issued a public notice detailing what SASs must demonstrate in their Initial Commercial Deployment (ICD) proposals, including a description of “Professional Installation” as “[t]he process that a certified professional installer (CPI) would follow to register CBSDs/DPs during ICD and an explanation regarding how that professional installation will ensure the SAS can accurately locate devices in compliance with part 96.” The NPRM seeks comment on the efficacy of the current professional installation regime and whether any rule changes are needed to ensure that CBSDs are properly installed and maintained correctly. Commenters are encouraged to provide specific feedback and to consider the costs and benefits for various use cases and network deployments.

79. *Guidelines for GAA user coexistence.* In the NPRM, the Commission also considered whether to adopt rules to ensure equitable treatment of different GAA operators. Specifically, we considered whether there are new rules, or clarifications of current rules, that could foster coexistence and preempt disputes among GAA users in a manner that will also advance GAA spectrum use and continued deployment of the Citizens Broadband Radio Service. The NPRM asks what the costs and benefits are of any such rule changes as well as what impact they would have on existing and future GAA deployments. The NPRM also asks how such rules could be equitably enforced by the Commission. Commenters are encouraged to provide specific proposals, along with supporting technical and cost-benefit analyses, to support their proposals.

80. Further, the Commission considered different proposals and potential questions that might emerge from those proposals in order to help identify whether small entities face any special or unique issues with respect to buildout requirements and other requirements that would require certain alternatives, such as through different accommodations or by incorporating additional time for small entities to comply. The Commission also seeks comment on modifications that could be

made to the Commission’s rules regarding administrative processes in order to reduce the economic impacts of the proposed rule changes on small entities. By specifically targeting comments from small entities the Commission hopes to obtain the requisite data to allow it to evaluate the most cost-effective approach to minimize the economic impact for such entities, while achieving its statutory objectives.

81. Additionally, to assist with the Commission’s evaluation of the economic impact on small entities that may result from the actions and alternatives that have been proposed in this proceeding, the NPRM seeks alternative proposals and requests additional information on the potential costs of such alternatives to licensees. The Commission expects to consider more fully the economic impact on small entities following its review of comments filed in response to the NPRM, including costs and benefits information. Alternative proposals and approaches from commenters could help the Commission further minimize the economic impact on small entities. The Commission’s evaluation of the comments filed in this proceeding will shape the final conclusions it reaches, the final alternatives it considers, and the actions it ultimately takes in this proceeding to minimize any significant economic impact that may occur on small entities from the final rules that are ultimately adopted.

Procedural Matters

Paperwork Reduction Act

This NPRM may contain new or modified information collection(s) subject to the Paperwork Reduction Act of 1995. If the Commission adopts any new or modified information collection requirements, they will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other federal agencies are invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, the Commission seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.

Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

None.

List of Subjects

47 CFR Part 90

Private land mobile radio service, Telecommunications.

47 CFR Part 96

Citizens broadband radio service, Telecommunications.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 90 and 96 as follows:

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

- 1. The authority citation for part 90 continues to read as follows:

Authority: 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7), 1401–1473.

- 2. Revise § 90.1301 to read as follows:

§ 90.1301 Scope.

Wireless operations in the 3650–3700 MHz band are part of the Citizens Broadband Radio Service, as set forth in part 96 of this chapter.

§ § 90.1303 through 90.1338 [Removed]

- 3. Remove §§ 90.1303 through 90.1338.

PART 96—CITIZENS BROADBAND RADIO SERVICE

- 4. The authority citation for part 96 continues to read as follows:

Authority: 47 U.S.C. 154(i), 303, and 307.

- 5. Amend § 96.3 as follows:

- a. Add, in alphabetical order, the definitions of “Dynamic Protection Area”, “Dynamic Protection Area Neighborhoods”, and “Scheduling Portal”;

- b. Revise the definition of “Exclusion Zone” and “Incumbent user”; and

- c. Remove the definitions of “Grandfathered wireless broadband licensee”, “Grandfathered wireless protection zone”, and “Protection zone”.

§ 96.3 Definitions.

* * * * *

Dynamic Protection Area (DPA). DPAs are geographic protection areas, extending from the coastline into the ocean or enclosing a protected federal facility, which may be activated or deactivated as necessary to protect Department of Defense (DOD) radar systems. DPAs are activated when DoD radar systems are using the band—as

communicated to a Spectrum Access System (SAS) by either an Environmental Sensing Capability (ESC) or Scheduling Portal—signaling that federal incumbents in the DPA must be protected from Citizens Broadband Radio Service operations within the active frequency range.

(1) Coastal DPAs are geographic protection areas located along the Coastline to protect shipborne radar systems and designated port facilities. Coastal DPAs are activated consistent with information received by an SAS from an ESC.

(2) Portal-Activated DPAs (P-DPAs) are geographic protection areas located around designated federal facilities or coastal areas that utilize a dedicated Scheduling Portal to schedule federal operations in the 3.5 GHz band. P-DPAs are activated consistent with information received by an SAS from a Scheduling Portal.

(3) Always Activated DPAs are geographic protection areas that are always considered to be in active use by federal operators. These DPAs protect a limited number of federal radar systems by limiting the maximum aggregate received power level from the CBSDs at the location of the protected radar antenna aperture.

Dynamic Protection Area (DPA) Neighborhoods. A DPA neighborhood is the area in which registered CBSDs may cause interference to incumbent operations in activated DPAs. The SAS may direct CBSDs within DPA Neighborhoods to cease operations, reduce transmit power, or relocate to a non-interfering frequency when the associated DPA is activated.
* * * * *

Exclusion Zone. A geographic area wherein no CBSD shall operate without the express consent of NTIA. Exclusion Zones shall be enforced and maintained by the SASs.
* * * * *

Incumbent user. A federal entity authorized to operate on a primary basis in accordance with the table of frequency allocations, or a fixed satellite service operator.
* * * * *

Scheduling portal. A calendar-based system, authorized by the Commission, that supports the scheduling and communication of federal spectrum use within designated P-DPAs to SASs.
* * * * *

§ 96.7 [Amended]

- 6. Amend § 96.7 by removing paragraph (c).

§ 96.11 [Amended]

■ 7. Amend § 96.11 by removing paragraph (a)(3).

§ 96.13 [Amended]

- 8. Amend § 96.13 by removing “Grandfathered Wireless Broadband Licensees and” from paragraph (b).
- 9. Amend § 96.15 as follows:
 - a. Revise paragraphs (a)(2), (a)(3), (a)(5), and (a)(6);
 - b. Revise paragraph (b)(2);
 - c. Remove paragraph (b)(3);
 - d. Redesignate paragraph (b)(4) as paragraph (b)(3); and
 - e. Revise newly redesignated paragraph (b)(3).

The revisions read as follows:

§ 96.15 Protection of federal incumbent users.

(a) * * *

(2) The SAS shall only authorize the use of CBSDs consistent with information on federal frequency use as provided in this section.

(3) The SAS shall protect federal incumbent sites using DPAs—including Coastal DPAs, P-DPAs, and Always Activated DPAs—and Exclusion Zones. A DPA may be activated when DoD radar systems are active within the DPA. The SAS shall protect each activated DPA from aggregate CBSD interference within the active frequency range.

(i) The specific coordinates and protection requirements for all DPAs, DPA Neighborhoods, and Exclusion Zones are maintained by NTIA and are publicly available at: <https://www.ntia.doc.gov/fcc-filing/2015/ntia-letter-fcc-commercial-operations-3550-3650-mhz-band>.

(ii) NTIA shall notify the Commission in writing if and when the list of DPA-protected federal radiolocation sites and Exclusion Zones is to be updated or the methodology used to protect specific sites is to be changed.

(iii) The SAS must treat Coastal DPAs as activated prior to approved ESC sensor deployment and if ESC sensors lose contact with the SAS.

* * * * *

(5) The Commission will, as necessary, add or modify DPAs and Exclusion Zones to protect current and future federal Incumbent Users and will notify the public prior to implementation.

(6) The Commission may temporarily extend or modify DPAs and Exclusion Zones to protect temporary operations by federal Incumbent Users and will notify the public prior to implementation. Federal Incumbent Users will coordinate with the Commission prior to the beginning of any non-emergency operation requiring

additional protection. Such modifications will be communicated to the SAS along with the expiration date and time of any modification.

(b) * * *

(2) Exclusion Zones shall be maintained for an 80 km radius around the federal radiolocation sites listed in § 2.106(c)(109) of this chapter.

(3) If the President of the United States (or another designated Federal Government entity) issues instructions to discontinue use of CBSDs pursuant to 47 U.S.C. 606, SAS Administrators must instruct CBSDs to cease operations as soon as technically possible.

■ 10. Amend § 96.17 by revising paragraph (a)(1) to read as follows:

§ 96.17 Protection of existing fixed satellite service (FSS) earth stations in the 3600–3700 MHz Band and 3700–4200 MHz Band.

(a) * * *

(1) FSS earth stations in the 3650–3700 MHz band will be afforded protection consistent with this section.

* * * * *

§ 96.21 [Removed]

■ 11. Remove § 96.21.

■ 12. Amend § 96.30 by revising paragraph (a)(2) to read as follows:

§ 96.30 Designated entities in the Citizens Broadband Radio Service.

(a) * * *

(1) * * *

(2) A very small business is an entity that, together with its affiliates, its controlling interests, and the affiliates of its controlling interests, has average gross revenues not exceeding \$20 million for the preceding three years.

* * * * *

§ 96.39 [Amended]

■ 13. Amend § 96.39 by removing the sentence “Equipment deployed by Grandfathered Wireless Broadband Licensees during their license term will be exempt from this requirement” from paragraph (b).

■ 14. Amend § 96.53 as follows:

■ a. Revise paragraphs (e) and (f);

■ b. Remove the phrase “and 96.21” from paragraphs (g) and (h);

■ c. Remove and reserve paragraph (m); and

■ d. Add paragraph (p).

The revisions and addition read as follows:

§ 96.53 Spectrum access system purposes and functionality.

* * * * *

(e) To retain information on, and enforce, DPAs and Exclusion Zones in accordance with §§ 96.15 and 96.17.

(f) To communicate with the ESC to obtain information about federal

Incumbent User transmissions within Coastal DPAs and instruct CBSDs operating within the associated DPA Neighborhoods to move to another frequency range or cease transmissions to prevent interference to federal Incumbent Users within activated Coastal DPAs.

* * * * *

(m) [Reserved]

* * * * *

(p) To use a Scheduling Portal to obtain information about federal Incumbent User transmissions within P-DPAs and instruct CBSDs operating within the associated DPA Neighborhoods to move to another frequency range or cease transmissions to prevent interference to federal Incumbent Users within activated P-DPAs.

■ 15. Amend § 96.55 by removing the phrase “and Protection Zones” from paragraph (a) introductory text and adding paragraph (a)(5).

§ 96.55 Information gathering and retention.

(a) * * *

(5) Upon request, SAS Administrators must make CBSD registration information available to NTIA and DoD for any designated geographic area, frequency range, or time period.

* * * * *

■ 16. Amend § 96.57 by revising paragraph (d) as follows:

§ 96.57 Registration, authentication, and authorization of Citizens Broadband Radio Service Devices.

* * * * *

(d) A SAS must not authorize operation of CBSDs within Exclusion Zones, DPAs, or DPA Neighborhoods except as set forth in § 96.15.

* * * * *

■ 17. Amend § 96.67 by revising paragraph (d) to read as follows:

§ 96.67 Environmental sensing capability.

* * * * *

(d) ESC equipment shall be deployed in the vicinity of Coastal DPAs to accurately detect federal Incumbent User transmissions.

[FR Doc. 2024–19846 Filed 9–5–24; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 622**

RIN 0648–BN06

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 3

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) had submitted Amendment 3 to the Fishery Management Plans (FMPs) for Puerto Rico, St. Croix, and St. Thomas and St. John (Amendment 3) for review, approval, and implementation by NMFS. If approved by the Secretary of Commerce, Amendment 3 would establish new management measures for dolphinfish (*Coryphaena hippurus*) and wahoo (*Acanthocybium solandri*) in U.S. Caribbean Federal waters, including commercial and recreational minimum size limits and recreational bag and possession limits. The purpose of Amendment 3 is to develop management measures to ensure dolphinfish and wahoo have adequate time to mature and reproduce and to take a precautionary approach to management to protect against overfishing.

DATES: Written comments on Amendment 3 must be received on or before November 5, 2024.

ADDRESSES: You may submit comments on Amendment 3, identified by “NOAA–NMFS–2024–0070”, 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–2024–0070”, in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.
- **Mail:** Submit written comments to Sarah Stephenson, 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 3, 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-3-puerto-rico-st-croix-and-st-thomas-and-st-john-fishery-management-plans>.

FOR FURTHER INFORMATION CONTACT: Sarah Stephenson, 727–824–5305, sarah.stephenson@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS, with the 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 the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

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.

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. For Puerto Rico and the U.S. Virgin Islands (USVI), NMFS, with the advice of the Council, manages fisheries under the FMPs. NMFS published the final rule to implement the FMPs on September 13, 2022 (87 FR 56204). Each FMP contains management measures applicable for Federal waters in the respective island

management area, including annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs) for dolphinfish and wahoo. 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.

Prior to implementation of the Puerto Rico, St. Croix, and St. Thomas and St. John FMPs, dolphinfish and wahoo were not federally managed in Federal waters in the U.S. Caribbean. Because of the economic importance of these fast-growing, short-lived pelagic species to the region, they were included for management under each of the Puerto Rico, St. Croix, and St. Thomas and St. John FMPs, even though, given their migratory nature, they are exposed to harvest pressure across a wide area of the Atlantic Ocean, the Gulf of Mexico, and the Caribbean Sea. While each FMP established ACLs, ACTs, and AMs for dolphinfish and wahoo, the FMPs did not establish other management measures often used to limit harvest or effort such as size limits, recreational bag limits, or commercial trip limits.

At its December 2021 meeting, the Council began discussions on management measures that could be used to address the increasing opportunity for the overharvest of juvenile dolphinfish as a result of the increasing influx and presence of *Sargassum* in the region. *Sargassum* is a type of floating brown algae that provides food, protection, and habitat for many marine species. The *Sargassum* mats are natural fish aggregating devices for dolphinfish and wahoo, including juveniles of each species, making them easier to locate and catch by fishermen. In addition, the lack of information available on the recreational harvest of dolphinfish and wahoo and the potential for excess harvest of the species to occur during recreational fishing trips is a concern.

The Puerto Rico, St. Croix, and St. Thomas and St. John FMPs did not include minimum size limits for dolphinfish or wahoo because these species were new to Federal management in the U.S. Caribbean. Amendment 3 would establish minimum size limits for dolphinfish and wahoo for all fishing in U.S. Caribbean Federal waters (commercial and recreational sectors) to address the potential for small-sized (i.e., juvenile) individuals of these species to be caught

year-round. Dolphinfinch and wahoo are usually seasonally-caught species, but the annual influx of *Sargassum* to the region increases the likelihood that smaller fish could easily be harvested. Although there currently is not a large market for smaller-sized dolphinfinch or wahoo, such a fishery could develop in the future and the Council recommends being proactive in the management of these species. Protecting smaller-sized dolphinfinch and wahoo increases the potential that they have enough time to reproduce before being harvested.

Currently, there are no recreational bag or possession limits for dolphinfinch or wahoo for the same reasons noted above. Amendment 3 would establish recreational bag and possession limits for dolphinfinch and wahoo to help regulate their harvest in U.S. Caribbean Federal waters by the recreational sector, for which catch and effort information are either limited or not available. While the Puerto Rico FMP established recreational sector ACLs and ACTs for dolphinfinch and wahoo, the Marine Recreational Information Program that collected recreational data for Puerto Rico was suspended in 2017 and has not resumed to date. Recreational data were not collected for St. Croix or St. Thomas and St. John. As a result, neither the St. Croix FMP nor the St. Thomas and St. John FMP established sector-specific ACLs and ACTs for dolphinfinch and wahoo. Though some catch information is available from recreational fishing tournaments that occur in Puerto Rico and the USVI, that information likely underrepresents the total number of dolphinfinch or wahoo caught each year by the recreational sector. Thus, the number of recreational fishermen and the amount of dolphinfinch or wahoo removed by the sector are largely unknown for the region. Setting recreational bag and possession limits for the recreational sector in Federal waters around Puerto Rico, St. Croix, and St. Thomas and St. John could reduce the chance of overfishing the resource, while allowing fishermen access to the species.

The proposed recreational bag and possession limits for dolphinfinch would be more conservative than the recreational bag and possession limits that apply in Puerto Rico territorial waters, but consistent with the recreational bag and possession limits that apply in St. Croix, St. Thomas and St. John territorial waters. With respect to wahoo, the proposed recreational bag and possession limits would be consistent with the recreational bag and possession limits that apply in Puerto Rico territorial waters, but more

conservative than the recreational bag and possession limits that apply in St. Croix, St. Thomas and St. John territorial waters. Compatible regulations make it easier for fishermen to comply with the regulations and for law enforcement to monitor compliance to the regulations.

During development of Amendment 3, the Council also considered actions to establish commercial trip limits for dolphinfinch and wahoo. Because the commercial landings of dolphinfinch and wahoo in each island management area have been less than the corresponding ACLs, the Council recommended that additional harvest constraints for the commercial sector were not needed at this time.

Actions Contained in Amendment 3

For dolphinfinch and wahoo, Amendment 3 would establish commercial and recreational minimum size limits and recreational bag and possession limits in Federal waters around Puerto Rico, St. Croix, and St. Thomas and St. John.

Size Limits

Currently, no minimum size limits are in place for dolphinfinch or wahoo in Federal waters around Puerto Rico, St. Croix, and St. Thomas and St. John. All sizes of dolphinfinch or wahoo that are caught by commercial or recreational fishermen can be retained, though subject to the applicable ACLs and ACTs. For commercial and recreational fishing in the Federal waters around Puerto Rico, St. Croix, and St. Thomas and St. John, Amendment 3 would establish a 24 inches (61.0 centimeters (cm)) fork length (FL), minimum size limit for dolphinfinch and a 32 inches (81.3 cm) FL, minimum size limit for wahoo. As described in Amendment 3, these minimum size limits are based on size at maturity information reported for each species in the U.S. Caribbean.

Recreational Bag Limits

Currently, no recreational bag or possession limits are in place for dolphinfinch or wahoo in Federal waters around Puerto Rico, St. Croix, and St. Thomas and St. John. All dolphinfinch or wahoo that are caught by recreational fishermen in U.S. Caribbean Federal waters during a recreational fishing trip can be retained, though subject to the applicable ACLs and ACTs. For Federal waters around Puerto Rico, Amendment 3 would establish a recreational bag and possession limit of 5 dolphinfinch per person per day, not to exceed 15 dolphinfinch per vessel per day, whichever is less and a recreational bag and possession limit of 5 wahoo per

person per day, not to exceed 10 wahoo per vessel per day, whichever is less. For Federal waters around St. Croix and St. Thomas and St. John, Amendment 3 would establish recreational bag and possession limits of 10 dolphinfinch per person per day, not to exceed 32 dolphinfinch per vessel per day, whichever is less and recreational bag and possession limits of 2 wahoo per person per day, not to exceed 10 wahoo per vessel per day, whichever is less. As described in Amendment 3, these recreational bag and possession limits proposed for Federal waters are either consistent with, or more conservative than, current territorial bag limit regulations for dolphinfinch and wahoo.

Proposed Rule for Amendment 3

A proposed rule to implement Amendment 3 has been drafted. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with Amendment 3, 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 3 for Secretarial review, approval, and implementation. Comments on Amendment 3 must be received by November 5, 2024. Comments received during the respective comment periods, whether specifically directed to Amendment 3 or the proposed rule will be considered by NMFS in the decision to approve, disapprove, or partially approve Amendment 3. Comments received after the comment periods will not be considered by NMFS in this decision. All comments received by NMFS on Amendment 3 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 30, 2024.

Lindsay Fullenkamp,

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

[FR Doc. 2024-19940 Filed 9-5-24; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 635**

[Docket No. 240829–0229]

RIN 0648–BM23

Atlantic Highly Migratory Species; Electronic Reporting Requirements

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS is proposing to modify and/or expand reporting requirements for Atlantic highly migratory species (HMS), including reporting by commercial, for-hire, and private recreational vessel owners and dealers. This proposed action would require vessel owners, who currently report in existing paper commercial logbooks (*i.e.*, Atlantic HMS logbook and the Southeast Coastal Fisheries Logbook Program), to report electronically. NMFS is also proposing to implement new logbook requirements for vessel owners holding HMS Charter/Headboat permits or Atlantic Tunas General category permits, Atlantic Tunas Harpoon category permits, and/or Swordfish General Commercial permits. This proposed action would modify reporting options for private recreational vessel owners holding HMS Angling permits. Additionally, HMS dealers would be required to report individual fish weights for additional species (*i.e.*, Atlantic bigeye, albacore, yellowfin, and skipjack (BAYS) tunas, swordfish, and pelagic sharks). All HMS reporting would become electronic, using systems or applications approved by NMFS for Atlantic HMS. Finally, this proposed action would make technical changes to clarify certain HMS regulations.

DATES: Written comments must be received by January 6, 2025. Three public webinars will be held on the dates listed in table 1 of the

SUPPLEMENTARY INFORMATION section of this document.

ADDRESSES: A plain language summary of this proposed rule is available at: <https://www.regulations.gov/doCKET/NOAA-NMFS-2023-0047>. You may submit comments on this document, identified by NOAA–NMFS–2023–0047, by electronic submission. Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit

<https://www.regulations.gov> and type NOAA–NMFS–2023–0047 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

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 at: <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).

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted at: <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function.

Copies of the supporting documents, including the Regulatory Impact Review (RIR) and Initial Regulatory Flexibility Analysis (IRFA) for this action, the advance notice of proposed rulemaking (ANPRM) on HMS electronic reporting requirements, and the 2006 Consolidated HMS Fishery Management Plan (FMP) and amendments are available from the HMS website at: <https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species> or by contacting Carrie Soltanoff at the email address or telephone number below.

FOR FURTHER INFORMATION CONTACT: Carrie Soltanoff (carrie.soltanoff@noaa.gov), Guy DuBeck (guy.dubeck@noaa.gov), or Ann Williamson (ann.williamson@noaa.gov) by email, or by phone at 301–427–8503.

SUPPLEMENTARY INFORMATION: Atlantic HMS fisheries (*i.e.*, tunas, billfish, swordfish, and sharks) are managed under the 2006 Consolidated HMS FMP and its amendments pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971 *et seq.*). HMS implementing regulations are at 50 CFR part 635. The regulations specific to HMS reporting can be found at § 635.5. The Magnuson-Stevens Act, among other things, requires FMPs to specify the data which

shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing (16 U.S.C. 1853(a)(5)), thus authorizing the collection of such data. In addition, the Magnuson-Stevens Act authorizes NMFS to require permits and “such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery” (16 U.S.C. 1853(b)(1), (14)).

The purpose of this rulemaking is to: (1) streamline and modernize reporting through electronic reporting and consolidation of reporting deadlines, including converting existing commercial paper logbooks to electronic logbooks; (2) expand electronic logbook reporting to additional commercial and charter/headboat vessel owners; and (3) collect additional information from dealers through existing electronic reporting mechanisms. The expansion of reporting requirements would create consistency with NMFS efforts in other fisheries and augment data necessary for fishery science and management. Electronic logbook reporting is a step towards streamlining HMS reporting for commercial, for-hire, and private recreational fisheries consistent with the “One Stop Reporting” initiative for HMS, Greater Atlantic Region, and Southeast Region fisheries. The intent of the “One Stop Reporting” initiative is to expand capabilities for the submission of a single electronic report to satisfy overlapping reporting requirements of vessels holding permits in multiple regions. The need for each action is described in more detail below, under the following topics and respective alternatives: A. Electronic Logbook for HMS Commercial Limited Access Permits; B. Electronic Logbook for Atlantic Tunas General Category Permit, Atlantic Tunas Harpoon Category Permit, Swordfish General Commercial Permit, and HMS Charter/Headboat Permit; C. HMS Angling Permit Reporting Requirements; and D. HMS Dealer Reporting: Individual Fish Reports and Technical Change in Bluefin Tuna Reporting Requirements.

Implementation of the measures proposed in this rulemaking is contingent on available funding. Implementation of some or all aspects of the preferred alternatives may be delayed pending funding availability and any needed development of, or changes to, electronic reporting systems/applications. In addition to comments on the alternatives themselves, should delayed implementation be necessary, NMFS is requesting comments on which

alternatives the public feels are most important.

NMFS is proposing to clarify in this rulemaking that the owner of a vessel with an HMS permit is ultimately responsible for ensuring that all reports are submitted in a timely and accurate manner. NMFS is aware that currently vessel operators and owners complete reporting obligations according to each vessel's business practices. The proposed regulations make clear that even though commercial and for-hire vessel owners may allow the vessel operator or another person to submit all required reports, the onus and responsibility is on the vessel owner. However, because both owners and operators may submit reports, the description of proposed measures and other alternatives in this preamble refer to vessel "owners/operators."

NMFS published an ANPRM on May 12, 2023 (88 FR 30699) that described the reporting topics addressed in this rulemaking and provided management options. NMFS presented the ANPRM to the HMS Advisory Panel, the Atlantic States Marine Fisheries Commission, and the New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, and Caribbean Fishery Management Councils, and held five in-person and two virtual public hearings. The ANPRM comment period ended August 18, 2023. Written comments submitted on the ANPRM can be viewed at: <https://www.regulations.gov/docket/NOAA-NMFS-2023-0047>. NMFS considered all the comments received in the development of this proposed rule.

As described in more detail below, the preferred alternatives and sub-alternatives in this action are:

A. Electronic Logbook for HMS Commercial Limited Access Permits

- Alternative A1. Format for submission of logbooks and associated weighout slips.
 - Sub-alternative A1b. Vessel owners/operators would complete and submit logbook entries electronically; submit an uploaded file of the weighout slip with logbook submission. NMFS would offer a voluntary standardized weighout slip form.
- Alternative A2. Timing requirement for logbook submission.
 - Sub-alternative A2b. Vessel owners/operators would be required to submit logbook entries within 7 days of offloading all HMS, including the cost-earnings portion of the logbook for selected vessel owners.

B. Electronic Logbook for Atlantic Tunas General Category Permit, Atlantic Tunas Harpoon Category Permit, Swordfish General Commercial Permit, and HMS Charter/Headboat Permit

- Alternative B1. Electronic logbook requirements.
 - Sub-alternative B1c. NMFS would expand species and trip reporting requirements via electronic logbook for vessels with Atlantic Tunas General category, Harpoon category, Swordfish General Commercial, and/or HMS Charter/Headboat permits. Vessel owners would report through an electronic system/application approved by NMFS for Atlantic HMS reporting.
 - Require electronic logbook submission for all trips, regardless of whether fish are caught.
 - Require reporting of all species caught, including non-HMS
 - Collect fishing location information.
 - Require monthly no-fishing reports.
 - Alternative B2. Timing requirement for electronic logbook submission.
 - Sub-alternative B2a. Vessel owners/operators would be required to submit completed electronic logbook reports within 24 hours of the end of the trip.
 - Alternative B3. Cost and earnings information.
 - Sub-alternative B3c. All vessel owners/operators would submit some cost and earnings information for each trip in the electronic logbook, and vessel owners selected by NMFS for a given calendar year would submit additional cost and earnings information via annual survey.

C. HMS Angling Permit Reporting Requirements

- Alternative C2. The same as the status quo with the exception of removing the option to report via telephone.

D. HMS Dealer Reporting: Individual Fish Weights on Dealer Reports and Technical Change in Bluefin Tuna Reporting Requirements

- Alternative D2. Expand individual fish weights that dealers would be required to report to: bigeye, albacore, yellowfin, and skipjack tunas, swordfish, and pelagic sharks.
 - Alternative D4. Would remove the requirement to submit a bi-weekly report for bluefin tuna.

A. Electronic Logbook for HMS Commercial Limited Access Permits

Background

Owners/operators of vessels with HMS commercial limited access permits (*i.e.*, Atlantic Tunas Longline category,

shark directed, shark incidental, swordfish directed, swordfish incidental, and swordfish handgear) are all currently selected for logbook reporting under § 635.5(a)(1) and thus are required to report their fishing activities in a paper logbook. Logbooks require information on the gear used, the date(s) a fishing trip occurred, the quantity of fish caught, and the fishing location. Because commercial vessel owners/operators report these data themselves, it is referred to as "self-reported" data. Different logbooks are required for the different fisheries and their use depends on the data collection needs and requirements of the different fisheries. The current logbooks (*i.e.*, Atlantic HMS logbook and Southeast Coastal Fisheries Logbook Program) are described below.

Owners/operators of HMS permitted vessels using pelagic longline gear are required to use the Atlantic HMS logbook, and HMS vessel owners who are selected to report and who use other gear types, including rod and reel, green-stick, and bottom longline gear, may also report fishing activities in this logbook (or in the Southeast Coastal Fisheries Logbook Program described below). The vessels using the Atlantic HMS logbook primarily target swordfish and tunas.

There are currently three forms that must be submitted for an Atlantic HMS logbook report to be complete: (1) the trip report form; (2) the set report form; and (3) the weighout slips (*i.e.*, tally sheets), which report individual dressed weights for all fish sold. The trip report form provides information on the trip itself (*e.g.*, the start and end dates, the vessel name and identification number, which dealers purchased landings, and port information). Economic information, such as the total cost of trip expenses (*e.g.*, groceries, fuel), is also collected on the cost-earnings portion of this form from those vessel owners who are randomly selected on an annual basis under § 635.5(a)(1) (20 percent of the fleet). The set report form provides information on an individual fishing set, including the specific latitude and longitude coordinates at which gear was set and hauled back, the amount of gear used, and the number and species of fish kept, released alive, and discarded dead, and interactions with protected species. Each logbook submission includes only one trip form but may include numerous set report forms. The weighout slips (50 CFR 635.5(a)(2)) record the individual carcass weights of fish purchased by each individual dealer. These weighout slips containing information on weights of fish purchased are typically generated by the

dealer and provided to the vessel owner/operator, but some vessel owner/operators also create these slips. If no fishing trips occurred during a given month, the No Fishing Reporting Form is required. The No Fishing Reporting Form confirms that vessel owners/operators are not fishing, as opposed to not reporting.

The Southeast Coastal Fisheries Logbook Program (Coastal Fisheries logbook) is also used to collect HMS landings information. It is primarily used by vessel owners/operators with commercial shark permits who do not use pelagic longline gear and by vessel owners/operators with permits in the South Atlantic and Gulf of Mexico regions to report fishing activity in the Gulf of Mexico reef fish, South Atlantic snapper/grouper, coastal migratory mackerel fish (*i.e.*, king and Spanish mackerel and cobia), shark, and Atlantic dolphin/wahoo fisheries. The Coastal Fisheries logbook is primarily used for bottom longline, gillnet, and vertical line (including bandit) gear, but other gear types can be reported here. The Coastal Fisheries logbook has only a trip report form, and if selected, vessel owners/operators have to complete a trip expense section on the trip report form and/or a separate discard form, as described below. Vessel owners/operators are also required to indicate if they have not fished for a given month by submitting a No Fishing Reporting Form.

The Coastal Fisheries logbook trip report form includes information specific to the trip, such as vessel name and identification number and dates of the trip. Unlike the reporting forms in the Atlantic HMS logbook, the Coastal Fisheries logbook collects information on the gear, location, and species encountered for an entire trip rather than on every set of the fishing trip. Gear effort information (*e.g.*, number of hooks, lines fished, length of longline) are reported as either totals or the average for an entire trip, rather than the specific number of hooks or length of line for each set. Vessel owners/operators also indicate their fishing area as a four digit code, in accordance with a statistical grid map, to indicate where the majority of each species was caught. The grid numbers follow lines of latitude and longitude. The “species kept” is also reported in total weight for the entire trip, not in numbers of fish per set like for the Atlantic HMS logbook. Economic information, such as the total cost of groceries and fuel, is collected on this form and is required for each trip from a group of vessel owners/operators representing 20

percent of the active fleet randomly selected annually.

Unlike the Atlantic HMS logbook, the trip form does not record information on released or discarded fish or protected species; however, vessel owners/operators can write in these observations if desired. A separate discard logbook form, specifically for the recording of released or discarded fish and protected species, is required for approximately 20 percent of those vessel owners/operators, selected at random each year. This discard form is also trip based and does not have specific location data available for each set. Additionally, this logbook form does not provide specific information on individual fish that are discarded dead or alive but instead are collected as a summary for the entire trip. For each species reported on the discard form, vessel owners/operators are required to report the following: whether all the fish were discarded dead, most were discarded dead, all were discarded alive, most were discarded alive, some were kept but not sold (*e.g.*, if they used the fish as bait), or the owner/operator was unable to determine which category to check. Vessel owners/operators may also report “no discards,” indicating that no individuals of any species were discarded during the fishing trip, when submitting a discard logbook form.

Both the Atlantic HMS logbook and the Coastal Fisheries logbook are administered by the NMFS Southeast Fisheries Science Center (SEFSC) and have historically required submission of paper forms. NMFS is currently working on creating an electronic reporting system to replace the paper logbooks, with the working title of the SEFSC Commercial Electronic Logbook. It is expected that, once the electronic logbook system is fully developed and implemented, electronic logbook submission would replace paper submission. One or more electronic reporting applications would be available to vessel owners/operators to transmit the required information to the SEFSC Commercial Electronic Logbook. Electronic logbook reporting would also allow for the submission of a single electronic report that could be used to satisfy overlapping reporting requirements of vessels holding permits in multiple regions, as part of the NMFS “One Stop Reporting” initiative. The South Atlantic Fishery Management Council and the Gulf of Mexico Fishery Management Council together with the NMFS Southeast Regional Office (SERO) have developed a joint FMP amendment that would maintain the reporting requirements for commercial vessels

through the Coastal Fisheries logbook but require electronic submission of reports using available software. The joint FMP amendment has been submitted to NMFS for review and action. More information on the joint FMP amendment affecting the Coastal Fisheries logbook can be found at: <https://safmc.net/amendments/dolphin-wahoo-amendment-4/> and at: <https://gulfcouncil.org/fishery-management-2/amendments-under-development/>.

Any vessel owner/operator with a permit issued by the NMFS Greater Atlantic Regional Fisheries Office (GARFO) is required to submit an electronic Vessel Trip Report (eVTR) to report all fish landed and discarded, regardless of species. NMFS published a final rule requiring reporting via eVTR for commercial and for-hire vessels with GARFO permits, which became effective in November 2021 (85 FR 71575, November 10, 2020). Vessel owners/operators reporting via eVTR have the option to choose between multiple electronic reporting applications, including GARFO’s eVTR applications (*e.g.*, Fish Online), the Standard Atlantic Fisheries Information System (SAFIS) electronic trip-level reporting (eTRIPS) Mobile and Online applications, and several applications offered by private companies, although not all reporting applications are approved for all regional permits.

Most non-HMS vessel owners/operators from Virginia through Maine use eVTRs to report their landings. The gear frequently reported via eVTR includes trawls, dredges, or gillnet gear, and these vessel owners/operators are primarily fishing for non-HMS such as scallops, squid, herring, groundfish, skates, and spiny dogfish. Owners/operators of vessels that have GARFO permits that require eVTR reporting, in addition to their HMS commercial limited access permits, must use the eVTR in addition to their Atlantic HMS logbook.

HMS vessel owners/operators submitting logbooks (50 CFR 635.5(a)(1)) must enter the required information on a day’s fishing activities within 48 hours of completing that day’s activities or before offloading, whichever is sooner, and they must submit the logbook form(s) postmarked within 7 days of offloading all HMS. GARFO permit holders must complete eVTRs to the extent possible prior to entering port and submit within 48 hours of offloading fish. Generally, SERO permit holders must submit fishing records to the SEFSC postmarked no later than 7 days after the end of each fishing trip.

NMFS is considering two suites of alternatives regarding implementation of a commercial electronic logbook to replace the existing paper commercial Atlantic HMS logbook and the Coastal Fisheries logbook. Alternative A1 addresses the format for submission of logbooks and associated weighout slips. Alternative A2 addresses the timing requirement for logbook submission. Sub-alternatives under these alternatives are described below.

Alternative A1. Format for Submission of Logbooks and Associated Weighout Slips

NMFS is proposing, under the preferred Sub-alternative A1b, to require owners/operators of vessels with HMS commercial limited access permits (*i.e.*, Atlantic Tunas Longline category, shark directed, shark incidental, swordfish directed, swordfish incidental, and swordfish handgear) to complete and submit logbook reports electronically under the SEFSC Commercial Electronic Logbook through an electronic system/application approved by NMFS for Atlantic HMS reporting. The data elements/information collected under the SEFSC Commercial Electronic Logbook would remain the same as the status quo, but the questions/prompts for the information may vary depending on the electronic reporting system/application the vessel owner/operator is using. In addition, the level of detail for certain required data/information may vary based, in part, on the gear type used. In general, relevant set level reporting would include the specific latitude and longitude coordinates at which gear was set and hauled back, the amount of gear used, and the number and species of fish kept, released alive, and discarded dead, and protected species interactions. Vessel owners/operators would be required to provide information on the trip itself, such as the start and end dates, the vessel name and identification number, which dealers purchased landings, and port information.

Under preferred Sub-alternative A1b, the current requirement for weighout slips (50 CFR 635.5(a)(2)) would not change except for how they are submitted to NMFS. Rather than being mailed in, the weighout slips would be submitted electronically with the logbook as an uploaded file. NMFS would develop an optional standardized weighout slip form which vessel owners/operators could choose to utilize in submitting the required weighout information with their electronic logbook. Note that under preferred Alternative D2 described below, NMFS is also proposing that

dealers be required to report individual carcass weights for additional species. Should NMFS finalize such data collection from both vessel weighout slips and dealers, NMFS may evaluate whether sufficient information is being collected via dealer reporting to enable the discontinuation of collecting individual carcass weights on vessel weighout slips at some point in the future. Any such change would be considered in a future rulemaking.

Under this preferred sub-alternative, no change would be made to selection of vessel owners with HMS commercial limited access permits to complete the cost-earnings portion of the logbook and the Atlantic Highly Migratory Species Annual Expenditures form(s) (50 CFR 635.5(a)(1)).

Under this preferred sub-alternative, electronic submission of logbooks could allow for "One Stop Reporting" for vessel owners/operators that hold some combination of HMS commercial limited access permits, SERO permits, and/or GARFO permits. Electronic submission, including for weighout slips, also reduces the administrative burden on NMFS for logbook processing. Potentially discontinuing the collection of individual carcass weights via a weighout slip would shift that reporting responsibility from vessel owners/operators to dealers.

In addition to preferred Sub-alternative A1b, in the RIR and IRFA for this action, NMFS also described and analyzed one other sub-alternative regarding the format for submission of logbooks and associated weighout slips. Under the status quo Sub-alternative A1a, owners/operators of vessels with HMS commercial limited access permits would continue to be required to report their fishing activities in a paper logbook and to mail in weighout slips (50 CFR 635.5(a)(1) and (2)). For the logbook, they would continue to report via submission of paper forms in either the Atlantic HMS logbook or the Coastal Fisheries logbook. Vessel owners/operators that hold HMS permits and GARFO permits would continue to report via eVTR as well as on paper.

Alternative A2. Timing Requirement for Logbook Submission

NMFS is proposing, under preferred Sub-alternative A2b, to require vessel owners/operators to submit completed electronic logbook reports within 7 days of offloading all HMS. This sub-alternative would remove the current HMS requirement to enter information into the logbook within 48 hours of completing that day's activities or before offloading, whichever is sooner (50 CFR 635.5(a)(1)). However, communications

with vessel owners/operators would still encourage them to complete logbooks as soon as possible to reduce recall error. If a vessel owner is selected by NMFS to complete the cost-earnings portion of the logbook, the owner or operator must likewise submit the cost-earnings portion of the logbook included in the electronic submission of the logbook, within 7 days of offloading all HMS. The requirement for submission of the Atlantic Highly Migratory Species Annual Expenditures form(s) for selected vessel owners would not change from the status quo (50 CFR 635.5(a)(1)).

The 7-day reporting requirement would be consistent with the status quo timing requirement for submission of logbooks in the HMS regulations as well as with the timing requirement for submission of commercial logbooks by SERO permit holders. The 7-day reporting requirement would be less restrictive than the 48-hour GARFO eVTR submission requirement, and less restrictive than the 24-hour requirement under preferred Sub-alternative B2a below for logbook submission by owners/operators of vessels with Atlantic Tunas General category permits, Atlantic Tunas Harpoon category permits, Swordfish General Commercial permits, and/or HMS Charter/Headboat permits, which aligns with the current 24-hour catch reporting requirement for those vessels. Vessel owners/operators that hold both HMS commercial limited access permits and GARFO permits would continue to follow the 48-hour eVTR submission requirement for GARFO permit holders.

While NMFS would, through communications with vessels, continue to encourage vessel owners/operators to complete logbooks as soon as possible, removing the HMS 48-hour logbook information entry requirement from the regulations would simplify reporting by having a single deadline to complete and submit HMS logbook reports, and would also better match current practices of vessel owners/operators.

Additionally, requiring logbook submission on a longer timeframe (*i.e.*, within 7 days, as compared to within 24 or 48 hours) gives more flexibility to vessel owners/operators to complete reports when they have the opportunity. A longer timeframe also allows vessel owner/operators time to receive information they may need from dealers or others, for example, weighout slips. Giving a longer timeframe for submission also allows vessel owners/operators time to seek assistance they may need in completing their logbooks, for example, from customer service associated with electronic logbooks, or

language assistance from community groups (e.g., Vietnamese and Spanish community groups). However, allowing a longer timeframe for logbook submission may increase recall error, decrease the accuracy of information, and may not allow NMFS to receive and analyze data in a timely manner.

In addition to preferred Sub-alternative A2b, in the RIR and IRFA for this action, NMFS also described and analyzed three other sub-alternatives regarding timing of logbook submission. Sub-alternative A2a is the status quo alternative for timing of logbook submission. HMS vessel owners/operators submitting logbooks would enter the required information on a day's fishing activities within 48 hours of completing that day's activities or before offloading, whichever is sooner. The vessel owner/operator would submit the logbook report within 7 days of offloading all HMS. If a vessel owner is selected by NMFS to complete the cost-earnings portion of the logbook, the owner or operator must maintain and submit the cost-earnings portion of the logbook no later than 30 days after completing offloading for each fishing trip during that calendar year and submit the Atlantic Highly Migratory Species Annual Expenditures form(s) no later than the date specified on the form of the following year (50 CFR 635.5(a)(1)).

Under Sub-alternative A2c, vessel owners/operators would be required to submit completed logbook reports within 48 hours of offloading all HMS, including the cost-earnings portion of the logbook for selected vessel owners. Under Sub-alternative A2d, vessel owners/operators would be required to submit completed logbook reports within 24 hours of offloading all HMS, including the cost-earnings portion of the logbook for selected vessel owners. Under both of these sub-alternatives, the requirement for submission of the Atlantic Highly Migratory Species Annual Expenditures form(s) by selected vessel owners would not change from the status quo.

B. Electronic Logbook for Atlantic Tunas General Category Permit, Atlantic Tunas Harpoon Category Permit, Swordfish General Commercial Permit, and HMS Charter/Headboat Permit

Background

Currently, vessel owners/operators with Atlantic Tunas General or Harpoon category permits must call in or electronically report all bluefin tuna landings and dead discards to NMFS within 24 hours of completing a trip (50

CFR 635.5(a)(4)). Owners/operators of HMS Charter/Headboat permitted vessels must call in or electronically report all bluefin tuna landings and dead discards, all non-tournament landings of Atlantic blue marlin, Atlantic white marlin, roundscale spearfish, and Atlantic sailfish, and all non-tournament and non-commercial landings of North Atlantic swordfish to NMFS within 24 hours of completing a trip (50 CFR 635.5(a)(4), (c)(1), and (c)(2)). These catch reports can be submitted via the HMS Permits website, an HMS Catch Reporting smartphone application, a telephone number designated by NMFS, or by other means as specified by NMFS. For telephone landing reports, the owner, or the owner's designee, must provide a contact phone number so that a NMFS representative can call the vessel owner, or the owner's designee, for follow up questions and to confirm the reported landing. Regardless of how they are submitted, billfish and swordfish landing reports submitted to NMFS are not complete unless the vessel owner, or the owner's designee, has received a confirmation number from NMFS or a NMFS representative.

Currently, owners/operators of vessels with Atlantic Tunas General category permits, Atlantic Tunas Harpoon category permits, Swordfish General Commercial permits, and/or HMS Charter/Headboat permits are only required to maintain and submit paper logbook reports, and report cost and earnings information, if selected to report in the Atlantic HMS logbook (50 CFR 635.5(a)(1)). However, this requirement has not been exercised by NMFS for these sectors on an annual basis due to the large number of vessel owners that hold these open access permits (i.e., 7,043 vessel owners in 2022) compared to vessel owners that hold commercial limited access permits (i.e., 225 vessel owners in 2022) and the prohibitively large additional administrative burden that paper logbook reporting would place on the current Atlantic HMS logbook program. Additionally, until the recent implementation of for-hire logbook reporting in many fisheries, as described below, the Agency (i.e., the National Marine Fisheries Service or NMFS) standard was to monitor these fisheries through surveys like the Large Pelagics Survey (LPS) and Marine Recreational Information Program (MRIP) surveys, described below, and through catch reporting. NMFS has instead selected vessel owners in these sectors to participate in one-time logbook studies. In 2013, NMFS executed a logbook

study to collect cost and earnings data on charter vessel and headboat trips targeting HMS, and a similar study of the Atlantic Tunas General category was conducted in 2018.

Owners/operators of vessels with Swordfish General Commercial permits do not currently complete catch or logbook reporting unless they also hold an Atlantic Tunas General or Harpoon category permit, or a GARFO permit, with associated reporting requirements. Note that the majority of Swordfish General Commercial permits are combined with an Atlantic Tunas General category or Atlantic Tunas Harpoon category permit and thus must follow applicable requirements for those other permits.

Owners/operators of Atlantic Tunas General category, HMS Charter/Headboat, and HMS Angling permitted vessels are all required, as a condition of their permit, to cooperate with the LPS if selected for reporting (50 CFR 635.5(f)). The LPS collects information regarding the rod and reel fishery directed at large pelagic species (e.g., tunas, billfishes, swordfish, sharks, wahoo, dolphin, greater amberjack) in the offshore waters from Maine through Virginia from June through October. The purpose of the LPS is to collect more precise estimates of fishing effort and catch for large pelagic species that are rarely encountered in the general MRIP surveys. The LPS includes three independent surveys: (1) the Large Pelagics Telephone Survey (LPTS), a phone survey that collects fishing effort data from randomly selected vessel owners with Atlantic Tunas General category (as well as HMS Angling permits); (2) the LPS Add-on to the For-Hire Survey (FHS), which collects effort data from randomly selected HMS Charter/Headboat permitted vessels; and (3) the Large Pelagics Intercept Survey (LPIS), a dockside survey of known offshore fishing access sites, which collects catch data from both Atlantic Tunas General and HMS Charter/Headboat permitted vessels (as well as HMS Angling). These surveys provide effort and average catch-per-trip estimates needed to estimate total catch by species.

Unlike vessel owners with Atlantic Tunas General category permits, owners of HMS Charter/Headboat permitted vessels report their effort data to the FHS, rather than the LPTS, to avoid duplicate reporting burden, as most HMS Charter/Headboat vessels also participate in Council-managed for-hire fisheries, which are monitored by the FHS. An extra series of questions called "the LPS Add-on" is asked of vessels that report fishing for HMS to collect

HMS specific data that is needed for LPS effort and catch estimation. Similar to the LPTS, the FHS is also a telephone survey.

Any vessel owner/operator with a permit issued by GARFO is required to submit an eVTR to report all fish kept and discarded, regardless of species or location of fishing, within 48 hours of completing a trip. Most non-HMS commercial and for-hire vessel owners/operators from Virginia through Maine use eVTRs to report their landings. Unlike the Atlantic HMS logbook and the Coastal Fisheries logbook, the eVTR is used by GARFO permitted commercial vessel owners/operators and by for-hire charter/headboat vessel owners/operators. Since March 2018, vessel trip reports are required by all vessels in Mid-Atlantic fisheries possessing their regional for-hire permits. Similar logbook reporting requirements were implemented in New England for-hire fisheries in November 2021.

GARFO eVTRs include trip-level information, gear information, location by both grid and latitude and longitude coordinates, and, for commercial trips, the weight of each species kept or discarded. There is no indication of whether the discards are alive or dead. An entry must be filled out when the vessel owner/operator moves to a new area or uses a different gear.

From 2000 through 2015, vessel owners/operators reporting via GARFO VTR were required to submit a monthly no-fishing report if they did not fish. These no-fishing reports are no longer required by GARFO. The final rule stated that NMFS no longer needed no-fishing reports in those fisheries due to improved trip-level matching and, therefore, removed the requirement to simplify the regulations and reduce reporting burdens for the industry (80 FR 51754, August 26, 2015).

The Southeast Regional Headboat Survey (SRHS) began requiring electronic submission in 2013. In January 2021, electronic logbook reporting requirements were implemented for South Atlantic and Gulf of Mexico for-hire vessels not covered by the SRHS reporting requirement. On February 23, 2023, the United States Court of Appeals for the Fifth Circuit set aside the final rule (85 FR 44005, July 21, 2020) implementing the Southeast For-Hire Integrated Electronic Reporting (SEFHIER) program in the Gulf of Mexico. This means the SEFHIER program for the Gulf of Mexico is currently not in effect; all other for-hire reporting programs in the Gulf of Mexico remain in effect (e.g., SRHS and HMS Charter/Headboat catch

reporting). The Gulf of Mexico Fishery Management Council convened an Ad hoc Charter For-hire Data Collection Advisory Panel beginning in 2024, charged with, among other things, providing Gulf-wide stakeholder insight on the development of a new electronic data collection program for the federally permitted charter vessel and headboat components. The report of the first meeting of the Ad hoc Charter For-hire Data Collection Advisory Panel can be found at: https://gulfcouncil.org/wp-content/uploads/AdHocCharterForHireAP_meeting-summary_1_16_24.pdf. Information on development of an FMP amendment can be found at: <https://gulfcouncil.org/fishery-management-2/amendments-under-development/>.

South Atlantic federally permitted for-hire permit holders are required to submit electronic logbooks weekly and are required to submit reports for each trip that include details on fishing effort, catch, including fish retained and released for all species, and economic information. South Atlantic federally permitted for-hire permit holders must submit a no-fishing report on weeks when no for-hire fishing activity takes place. Headboat owners in the South Atlantic and Gulf reporting to the SRHS submit reports on a weekly basis.

For-hire vessels have the option to choose between multiple electronic reporting applications, including GARFO's eVTR applications (e.g., Fish Online), the Standard Atlantic Fisheries Information System (SAFIS) electronic trip-level reporting (eTRIPS) Mobile and Online applications, and several applications offered by private companies, although not all reporting applications are approved for all regional permits. Currently, data elements necessary to meet HMS catch reporting requirements for recreational landings of bluefin tuna, billfish, and swordfish have been integrated into eTRIPS Mobile and eTRIPS Online software applications. The eTRIPS Mobile application allows for "One Stop Reporting" capabilities (outside of the SRHS).

NMFS is considering three suites of alternatives regarding implementation of an electronic logbook requirement for vessel owners/operators that hold an Atlantic Tunas General category permit, Atlantic Tunas Harpoon category permit, Swordfish General Commercial permit, and/or HMS Charter/Headboat permit. Alternative B1 addresses electronic logbook requirements for these permit categories. Alternative B2 addresses the timing requirement for electronic logbook submission. Alternative B3 addresses cost and

earnings information. Sub-alternatives under these alternatives are described below.

Alternative B1. Electronic Logbook Requirements

NMFS is proposing, under preferred Sub-alternative B1c, to expand species and trip reporting requirements via electronic logbook for vessel owners/operators with Atlantic Tunas General category, Atlantic Tunas Harpoon category, Swordfish General Commercial, and/or HMS Charter/Headboat permits. Vessel owners/operators would report through an electronic system/application approved by NMFS for Atlantic HMS reporting. Similar to the paper commercial Atlantic HMS logbook, the electronic logbook under this sub-alternative would require reporting on all trips, regardless of whether fish were caught, and would collect information on all species, not only on HMS. Accordingly, electronic logbook information collection would include reporting of the number and species of all fish kept/landed, discarded dead, and released alive. As with the Atlantic HMS logbook, Coastal Fisheries logbook, and the GARFO eVTR, this electronic logbook program would also collect information on fishing location, such as latitude and longitude coordinates associated with primary fishing location. This electronic logbook program would require no-fishing reports on a monthly basis for months in which no fishing activity took place.

Electronic logbook reporting under preferred Sub-alternative B1c would be for all trips, including trips taken by an Atlantic Tunas General category, Swordfish General Commercial, and/or HMS Charter/Headboat permitted vessel when participating in a tournament. Vessel owners/operators would indicate in the logbook which trips were associated with a tournament.

Implementation of an electronic logbook program would place additional burden on vessel owners/operators, as well as additional administrative burden on NMFS (although less administrative burden than implementing a paper logbook program). However, the electronic logbook program would have a number of benefits and is expected to improve conservation and management, as described below.

Currently, vessel owners/operators in these sectors are only reporting catches of certain HMS, as described above. Limiting reporting to only certain HMS allows other species to be caught but not reported. This limited reporting could reduce future management

effectiveness, as events such as HMS range expansion, shark or other predator depredation, or developing fisheries for HMS, would be overlooked in the data system. This would hinder NMFS' ability to modify managed species in response to environmental, social, or economic changes that may occur in the future. Only reporting some species may also undermine efforts by NMFS to fully understand fishing operations, and the ability to assess the impacts of potential management actions.

Further, electronic logbook data would enable near real-time monitoring of catch, which can lead to more effective application of seasonal closures and retention limit changes that occur during fishing seasons. This data collection would also facilitate the development of new indicators of relative abundance for Atlantic tunas and improve the precision of existing indicators. For example, reporting all trips would provide the necessary information to determine catch-per-unit-effort in the bluefin tuna fishery, or other tuna fisheries, for the gear types fished with these permits. The electronic logbook program would allow NMFS to report more detailed effort and catch data to the International Commission for the Conservation of Atlantic Tunas (ICCAT), which could potentially contribute to improved stock assessments and management strategy evaluation (MSE) that determines total allowable catch levels and inform quota allocation and other conservation and management decisions. Information on the spatial and temporal distributions of fish and fishing effort from electronic vessel reporting would facilitate efforts to understand the efficacy of fishing regulations and evaluate alternative management actions. Collection of information on primary fishing location would also facilitate numerous analyses regarding the distribution of these fisheries. Such information could help inform stock assessments, economic analyses, impact assessments for offshore developments such as offshore wind and aquaculture, impacts of marine monuments, management decisions related to climate impacts, or other changes in spatial management.

The requirement to submit no-fishing reports on a monthly basis for months in which no fishing activity took place would be similar to what is currently required for the commercial paper Atlantic HMS logbook (see 50 CFR 635.5(a)(1)). The SEFHIER program in the South Atlantic requires no-fishing reports on a weekly basis. GARFO permit holders are not required to submit no-fishing reports. No-fishing reports are a significant aid for

facilitating regular compliance checks, as it is difficult to ascertain if a lack of reports over a given time period was due to non-compliance or the simple absence of fishing effort. No-fishing reports are especially important in instances where there are no corresponding dealer reports and no pre-trip notifications, such as for vessels with HMS Charter/Headboat permits on non-commercial trips.

Submitting all required reports is currently a requirement in order to renew any HMS permit (see 50 CFR 635.4(m)). In order to renew an HMS limited access permit, NMFS confirms the vessel owner's compliance with all logbook requirements. The same reporting compliance check is difficult to undertake for vessel owners renewing HMS open access permits (e.g., Atlantic Tunas General category, Atlantic Tunas Harpoon category, Swordfish General Commercial, HMS Charter/Headboat), because there is no mandatory, comprehensive logbook requirement. The requirement to submit no-fishing reports would also contribute to NMFS' ability to carry out compliance checks in consideration of issuing permits. These compliance checks are not currently done for open access permit renewals because, in the absence of a logbook program that includes reporting on every trip and no-fishing reports, there would not be a way to routinely determine whether vessel owners were not reporting, not fishing, or fishing but not catching HMS.

Regarding the relationship between an electronic logbook program and fishing surveys, a logbook program would have the benefit of providing more detailed effort and catch data than what are currently collected by the LPS. Following a period of overlapping data collection to facilitate calibration of the catch data time series, this logbook could allow owners/operators of Atlantic Tunas General category permitted vessels to be exempted from participation in the LPTS and minimize their participation in the dockside LPIS to a simple validation survey. The latter may not even be needed for the General category as their commercial catch could also be validated with dealer landings data.

Effort data reported via an electronic logbook could be used to substitute for effort data that HMS Charter/Headboat vessel owners/operators would otherwise be required to report to the FHS. NMFS is already using eVTR data for this purpose to exempt for-hire vessels with Council permits from reporting to the FHS to minimize the redundant reporting burden. HMS

Charter/Headboat vessel operators would need to participate in dockside surveys, such as through the LPIS or through the Access Point Angler Intercept Survey (APAIS), which could serve as a validation check for logbook reported data. A proposal has already been put forward by the Atlantic Coast Cooperative Statistics Program for MRIP certification to use the APAIS as a validation survey of for-hire logbook data collected in the Atlantic.

The requirement to report on all trips, regardless of whether fish were caught, and to report all species, would be consistent with the current commercial Atlantic HMS logbook and with requirements for GARFO commercial and for-hire permit holders and SERO South Atlantic for-hire permit holders.

In addition to preferred Sub-alternative B1c, in the RIR and IRFA for this action, NMFS also described and analyzed two other sub-alternatives regarding reporting requirements for vessel owners/operators that hold an Atlantic Tunas General category permit, Atlantic Tunas Harpoon category permit, Swordfish General Commercial permit, and/or HMS Charter/Headboat permit. Sub-alternative B1a is the status quo alternative for catch reporting for these permits. NMFS would maintain existing electronic catch reporting for vessel owners/operators with Atlantic Tunas General and Harpoon category permits through an electronic system/application approved by NMFS for Atlantic HMS reporting (currently, the HMS Permits website or the HMS Catch Reporting smartphone application) or reporting via telephone. NMFS would require reporting of bluefin tuna landings and dead discards only, and vessel owners/operators would only report on trips where bluefin tuna are caught. NMFS would also maintain existing electronic reporting for owners/operators of HMS Charter/Headboat permitted vessels through an electronic system/application approved by NMFS for Atlantic HMS reporting (currently, the HMS Permits website or the HMS Catch Reporting smartphone application), reporting via telephone, or by other means as specified by NMFS (currently eTRIPS and State catch cards). Owners/operators of HMS Charter/Headboat permitted vessels would report all bluefin tuna landings and dead discards, all non-tournament landings of Atlantic blue marlin, Atlantic white marlin, roundscale spearfish, and Atlantic sailfish, and all non-tournament and non-commercial landings of North Atlantic swordfish. Sub-alternative B1b would be the same as Sub-alternative B1a with the

exception of removing the option to report via telephone.

Alternative B2. Timing Requirement for Electronic Logbook Submission

Alternative B2 only applies if implementing an electronic logbook under preferred Sub-alternative B1c above. The following sub-alternatives consider the timing requirement for submission of an electronic logbook.

NMFS is proposing, under preferred Sub-alternative B2a, to require vessel owners/operators with Atlantic Tunas General category, Atlantic Tunas Harpoon category, Swordfish General Commercial, and/or HMS Charter/Headboat permits to submit completed electronic logbooks within 24 hours of the end of a trip. This sub-alternative would maintain the 24-hour catch reporting requirement that vessel owners/operators currently follow but would expand the amount of information they may be submitting after each trip.

Requiring logbook submission within 24 hours would allow NMFS to receive and analyze data in the shortest timeframe (compared to 48 hours or 7 days). In addition, it could improve some aspects of data quality and accuracy by reducing recall bias and reducing uncertainty associated with these data when used in science or management applications. It could also expedite data availability for fisheries management purposes. Apart from considerations for other fisheries, reporting within 24 hours facilitates faster management actions (e.g., inseason closures, retention limit changes, etc.) in response to the availability of bluefin tuna on fishing grounds. This preferred sub-alternative would maintain the 24-hour reporting deadline for bluefin tuna while providing for a single timing requirement for all logbook submissions. Having more than one reporting deadline under this logbook would make the regulations more complex both for vessel owners/operators and for enforcement.

However, a 24-hour timeframe to report may result in vessel owners/operators having to go back and update reports with ancillary information more frequently than if they had longer to report. Requiring logbook submission on a longer timeframe (i.e., longer than 24 hours), on the other hand, gives more flexibility to vessel owners/operators to find time to complete reports. Giving a longer timeframe for submission also allows vessel owners/operators time to seek assistance they may need in completing their logbooks, for example, from customer service associated with

electronic logbooks, or language assistance from community groups. For completion of this proposed electronic logbook however, extra time beyond 24 hours for flexibility and assistance may not be needed because trips taken by these vessels are typically shorter and with much less catch compared to vessels with HMS commercial limited access permits, and therefore reporting is expected to be less complex and take less time.

Some GARFO and SERO South Atlantic for-hire vessel owners/operators possess HMS Charter/Headboat permits in case of incidental HMS catch. Given that preferred Sub-alternative B2a would be more restrictive than the reporting requirements for GARFO commercial or for-hire permit holders, or for SERO South Atlantic for-hire permit holders, these permit holders may decide to drop their HMS permits to avoid the extra reporting burden. While losing these permit holders and their data could have some minor negative effects on NMFS' ability to monitor HMS fisheries in a timely manner, it is more likely that permit holders who drop their HMS permits were not fishing for HMS. Any negative effects would be offset by the positive effects of having more timely data on all species caught by owners/operators who actively fish for HMS.

In addition to preferred Sub-alternative B2a, in the RIR and IRFA for this action, NMFS also described and analyzed three other sub-alternatives regarding timing of electronic logbook submission. Under Sub-alternative B2b, vessel owners/operators would be required to submit completed electronic logbooks within 48 hours of the end of a trip. For trips with no bluefin tuna landings or dead discards, vessel owners/operators would be required to submit completed electronic logbooks within 24 hours of the end of a trip. For trips with bluefin tuna landings or dead discards, vessel owners/operators would be required to submit completed electronic logbooks within 48 hours of the end of a trip. Under Sub-alternative B2c, for trips with bluefin tuna landings or dead discards, vessel owners/operators would be required to submit completed electronic logbooks within 24 hours of the end of a trip. For trips with no bluefin tuna landings or dead discards, vessel owners/operators would be required to submit completed electronic logbooks within 7 days of the end of a trip.

Alternative B3. Cost and Earnings Information

NMFS is proposing, under preferred Sub-alternative B3c, to require all vessel owners/operators with Atlantic Tunas General category, Atlantic Tunas Harpoon category, Swordfish General Commercial, and/or HMS Charter/Headboat permits to submit cost and earnings information for each trip through the completion of a cost-earnings portion in the electronic logbook. This requirement would follow the timing implemented under Alternative B2 in order to maintain one timeline for reporting and facilitate compliance monitoring. Examples of cost information collected in the electronic logbook could include, but are not limited to, fuel, bait, ice, groceries, and payouts to crew and captains. Earnings information collected in the electronic logbook could include trip sales or trip fare.

Additionally, under this preferred sub-alternative, vessel owners/operators would be selected by NMFS to submit additional cost and earnings information via an annual survey. NMFS would likely select no more than 20 percent of vessel owners/operators, similar to the current selection percentage for cost and earnings reporting under the logbook for vessel owners/operators with HMS commercial limited access permits. This selection rate should provide NMFS with a representative sample of the HMS fishery as a whole. Examples of expenditures collected in the additional annual survey could include, but are not limited to, repair and maintenance expenses, fishing supplies, drydock expenses, equipment costs, insurance, boat dockage, fishing licenses and permits, vessel boat loan payments, relocation expenses, business taxes, and office expenses.

Reporting cost and earnings information on all trips would be consistent with the electronic reporting requirements for vessel owner/operators with Federal for-hire permits in the South Atlantic. Detailed economic data, collected in real time, would enhance NMFS' ability to understand how these sectors are impacted when regulatory change is considered. These data would be used in cost-benefit and economic impact analyses for actions and amendments that propose regulatory changes. Additionally, improved characterization of costs and earnings for these sectors would allow NMFS to better monitor the economic health of the industry over time and facilitate economic recovery from fishery disasters. For efficiency and to ease

reporting burden, some of these data may be collected by a sample of the fleet via an additional annual survey (e.g., boat payments, equipment costs, insurance), as is proposed here. However, if preferred Sub-alternative B2a is implemented, collecting cost and earnings information for each trip would add to the information that vessel owners/operators would need to report within 24 hours after a trip.

In addition to preferred Sub-alternative B3c, in the RIR and IRFA for this action, NMFS also described and analyzed two other sub-alternatives regarding cost and earnings information. Sub-alternative B3a is the status quo alternative for collection of cost and earnings information. The existing regulation at § 635.5(a)(1) states that NMFS may select the owner of an HMS charter/headboat vessel, Atlantic tunas vessel, or swordfish vessel, among others, to report in a logbook and complete the cost and earnings portion of the logbook. Vessel owners/operators are currently required to report cost and earnings information for each trip within 30 days, if selected by NMFS for that calendar year. Selected vessel owners/operators would also submit annual expenditure information. This status quo requirement to report in logbooks, including completion of the cost-earnings portion, although in the regulations, has not been exercised by NMFS on a regular basis for vessel owners with open access commercial or HMS Charter/Headboat permits, as described above. In contrast, cost and earnings information is regularly collected from vessel owners with HMS commercial limited access permits as described under the A alternatives above. Under Sub-alternative B3b, vessel owners/operators selected by NMFS for a given calendar year would submit cost and earnings information only via an annual survey, rather than through post-trip logbook submissions. An annual survey would include questions on the costs and earnings for a typical trip but would not provide as complete data as if all vessel owners/operators were reporting some information on every trip.

C. HMS Angling Permit Reporting Requirements

Background

Currently, HMS Angling permitted vessels must report all bluefin tuna landings and dead discards, as well as all non-tournament landings of Atlantic blue marlin, Atlantic white marlin, roundscale spearfish, Atlantic sailfish, and North Atlantic swordfish to NMFS within 24 hours of the landing (50 CFR

635.5(c)). These catch reports can be electronically submitted via the HMS Permits website or an HMS Catch Reporting smartphone application, a telephone number designated by NMFS, or by other means as specified by NMFS. For telephone landing reports, the owner, or the owner's designee, must provide a contact phone number so that a NMFS representative can call the vessel owner, or the owner's designee, for follow up questions and to confirm the reported landing. Regardless of how catch reports are submitted, billfish and swordfish landing reports submitted to NMFS are not complete unless the vessel owner, or the owner's designee, has received a confirmation number from NMFS or a NMFS representative (50 CFR 635.5(c)(2)).

NMFS is considering four alternatives regarding reporting requirements for vessel owners with an HMS Angling permit, as described below.

Alternative C2. Remove the Option to Report Via Telephone

NMFS is proposing, under preferred Alternative C2, to largely maintain the status quo reporting requirements, with the exception of removing the option to report via telephone. Vessel owners with HMS Angling permits would be required to report all bluefin tuna landings and dead discards, and non-tournament landings of billfish and swordfish. These catch reports can be submitted through an electronic system/application approved by NMFS for Atlantic HMS reporting (currently, the HMS Permits website or the HMS Catch Reporting smartphone application).

Removing telephone reporting would modernize and streamline the reporting system. Additionally, this switch would relieve the Agency of the administrative time and cost of receiving and returning phone calls and voicemails. While there may be individuals who prefer to report via telephone and would need to change their current practices to report electronically, most reports are currently received using the website or smartphone application. For example, in 2022, over 90 percent of reports were submitted via electronic reporting system.

Other Alternatives Analyzed (C1, C3, and C4)

In addition to preferred Alternative C2, in the RIR and IRFA for this action, NMFS also described and analyzed three other alternatives regarding reporting requirements for vessel owners with an HMS Angling permit. Alternative C1 is the status quo alternative under which vessel owners

would be required to report all bluefin tuna, billfish, and swordfish landings and bluefin tuna dead discards (50 CFR 635.5(c)). These catch reports can be submitted through an electronic system/application approved by NMFS for Atlantic HMS reporting (currently, the HMS Permits website or the HMS Catch Reporting smartphone application), a telephone number designated by NMFS, or by other means as specified by NMFS. Alternative C3 would require the owner of an HMS Angling permitted vessel to report all pelagic shark (i.e., blue, porbeagle, common thresher, and, if and when allowed, shortfin mako sharks) landings, in addition to the status quo. Alternative C4 would require the owner of an HMS Angling permitted vessel to report all BAYS tunas landings, in addition to the status quo. Both of these alternatives would result in more comprehensive reporting of species landed in the HMS recreational sector compared to the status quo, including additional species that are reported to ICCAT. However, these additional species would likely increase reporting complexity, increase the time burden associated with reporting, and potentially increase the frequency of reporting. Management needs for such detailed reporting may be premature considering the additional reporting burden.

D. HMS Dealer Reporting: Individual Fish Reports and Technical Change in Bluefin Tuna Reporting Requirements

Background

Landing weight and price for most HMS are collected from dealer reports submitted electronically from dealers residing in Maine through Texas, including the U.S. Caribbean. All HMS dealer reports are submitted on an individual trip basis, with dealers providing information on the weight and price of HMS purchased from U.S. fishing vessels (50 CFR 635.5(b)). In some cases, mostly for ICCAT-managed species such as swordfish and tunas, dealers may report the weight and price information for each individual fish instead of an aggregate weight for a given species. In the case of bluefin tuna, dealers are currently required to report individual fish weights.

As a quality control measure, NMFS regularly cross-validates the weight of fish and the purchase dates provided in dealer reports with vessel logbook trip information, including the weighout slips, to ensure all fish are accounted for in these fisheries that are required to submit this information. Where available, when discrepancies are found between the dealer reports, logbook, and

weighout slips, NMFS works to ensure the fish are correctly entered in the appropriate dealer reporting system and in the logbook. Similarly, for bluefin tuna, information in the dealer landings dataset is compared to the open access vessel catch report dataset for quality assurance.

Currently, dealers with Atlantic tunas dealer permits must submit a complete bi-weekly report on forms available from NMFS for bluefin tuna received from U.S. vessels (50 CFR 635.5(b)(2)(i)(B)). For bluefin tuna received from U.S. vessels on the 1st through the 15th of each month, the dealer must submit the bi-weekly report form to NMFS, to be received by NMFS, no later than the 25th of that month. Reports of bluefin tuna received on the 16th through the last day of each month must be received by NMFS no later than the 10th of the following month.

NMFS is considering four alternatives regarding individual fish reports by HMS dealers and/or bluefin tuna reporting requirements, with two preferred, as described below.

Alternative D2. Expand Individual Fish Reports to BAYS Tunas, Swordfish, and Pelagic Sharks

NMFS is proposing, under preferred Alternative D2, to require Federal HMS dealers to report individual fish weights for BAYS tunas, swordfish, and pelagic sharks listed under heading C of Table 1 of appendix A to this part (*i.e.*, blue, porbeagle, common thresher, and, if and when allowed, shortfin mako sharks), in addition to bluefin tuna on their dealer reports.

Currently, dealers have flexibility to report according to their business practices, so some reports are at the individual fish level and some reports are at the aggregate weight level for fish that are all of the same species, quality, and price. Most non-bluefin tuna dealer reports provide an aggregate species weight instead of an individual weight for each fish. Dealer reports also include varying specificity in gear type information. In addition to dealer reports, currently, dealers typically generate individual fish weight information on weighout slips and share that information with vessel owners/operators. Vessel owners/operators required to report in the Atlantic HMS logbook, in turn, submit the weighout slips with their logbook submissions, where it is associated with the gear type utilized and other information in their logbook report. The submitted individual fish weight information currently covers the HMS gear types that report in the Atlantic HMS logbook, *i.e.*, primarily vessels using pelagic

longline gear or other gears targeting swordfish and tunas, and this information is currently used in ICCAT stock assessments and economic analyses. However, current size samples (for species other than bluefin tuna) from HMS fisheries are not representative of all HMS catches because not all HMS fisheries occurring in all geographic ranges (*e.g.*, fisheries pursued under HMS open access permits) are required to report individual fish size of their catches. Requiring HMS dealers to report individual carcass weights for BAYS tunas, swordfish, and pelagic sharks expands data available for use in stock assessments, which could result in reducing the uncertainty of the assessment results. It also expands data available to estimate revenue for economic analyses of these fisheries.

State of the art stock assessment models, including those utilized by ICCAT, use individual fish size (size samples) as part of the necessary input data. Size samples from different fisheries that are representative of the catches are important to reduce the uncertainty in stock assessment results. Age structure models also required that the size samples be expanded to create a size distribution of the entire catch (*i.e.*, catch-at-size). Scientists also use size samples to estimate gear size selectivity (*i.e.*, the range of fish sizes caught by a particular gear). When size samples from a particular gear are not available, scientists have to mirror the size selectivity from another gear to the gear missing the size samples, and this could bias the stock assessment results. In addition, size samples allow scientists to identify strong recruitment or recruitment failure events.

The way individual fish weight data are used in stock assessments can be illustrated for bluefin tuna. Currently and for the past 45 years, HMS dealers and vessel owners/operators have been required to report individual carcass information for all commercially landed Atlantic bluefin tuna (electronic reporting has been required since 2016). Bluefin tuna are the only HMS that are tagged by dealers when landed, which provides the most precise way to identify individual fish across data streams. These requirements provided fishery scientists with unique high-quality data that contributed to the stock assessments of western Atlantic bluefin tuna. More specifically, since individual fish are reported by HMS vessel owners/operators and carcass weights of all commercially landed bluefin tuna were collected and reported by HMS dealers, scientists were not required to use a limited number of size samples to

estimate the total catch-at-size of the landings. Therefore, the catch-at-size from bluefin tuna U.S. commercial landings was considered to be accurate. In addition, these data allowed ICCAT assessment scientists to estimate gear size selectivity for all of the U.S. bluefin tuna commercial fisheries without the need to apply any substitutions. This resulted in ICCAT stock assessment results with lower uncertainties. These size data were also used to monitor the 2003 strong year class and allowed ICCAT to develop management measures in part due to that strong year class, including a higher total allowable catch. Finally, the U.S. high quality data that are a result of the reporting of individual carcass weights were instrumental in the development and adoption by ICCAT of the first western Atlantic bluefin tuna MSE, which is considered a state of the art approach for the management of fish stocks.

Under preferred Sub-alternative B1c, NMFS would expand species and trip reporting requirements via electronic logbook for vessel owners/operators with Atlantic Tunas General category, Atlantic Tunas Harpoon category, Swordfish General Commercial, and/or HMS Charter/Headboat permits. This logbook would provide data for additional gear types that, taken together with individual fish weights through dealer reports, would approach the finer resolution of data that NMFS currently collects for bluefin tuna, to be used in stock assessments and other applications described above. Given that ICCAT stock assessments rely on fishery indices from individual countries, NMFS expects that finer resolution in the U.S. size frequency distributions will result in improved stock assessments for non-bluefin tuna fisheries overall, and thus better-informed ICCAT management measures in the future. Collecting individual fish weights through dealer reporting, in combination with logbook reporting for vessels with these permits, would also improve revenue estimates for economic analyses of these fisheries, for example, when analyzing economic impacts of spatial restrictions on fisheries.

As described under preferred Sub-alternative A1b, weighout slip submission would continue under the SEFSC Commercial Electronic Logbook. After collecting data from both vessel weighout slips and dealers, NMFS may consider in the future whether sufficient information is being collected via dealer reporting before deciding whether to discontinue collection of individual carcass weights on weighout slips.

Alternative D4. Remove the Requirement To Submit a Bi-Weekly Report for Bluefin Tuna

Under preferred Alternative D4, Atlantic tunas dealers would no longer be required to submit a bi-weekly report for bluefin tuna. The information submitted via the bi-weekly report is already collected under other bluefin tuna reporting requirements at § 635.5(b)(2)(i)(A). This preferred alternative would reduce the reporting burden for Atlantic tunas dealers and administrative burden on NMFS.

Other Alternatives Analyzed (D1 and D3)

In addition to the above preferred alternatives, in the RIR and IRFA for this action, NMFS also described and analyzed two other alternatives regarding HMS dealer reporting requirements. Alternative D1 is the status quo alternative for Federal HMS dealer reporting. Currently, dealers are required to report individual fish weights only for bluefin tuna. For other species (*i.e.*, swordfish, BAYS tunas, sharks), dealers may report individual fish weights or they may report an aggregate weight for a given species. Currently, dealers with Atlantic tunas dealer permits must also submit a complete bi-weekly report on forms available from NMFS for bluefin tuna received from U.S. vessels.

Under Alternative D3, dealers buying fish landed from vessels whose owners/operators are submitting weighout slips with their logbook reporting (*i.e.*, owners/operators that report in the Atlantic HMS logbook, or that would report in the SEFSC Commercial Electronic Logbook under preferred Sub-alternative A1b) would not be required to report swordfish, BAYS tunas, and pelagic shark species individually on Federal dealer reports. Dealers would only be required to report these species individually, when buying fish landed from vessels whose owner/operators do not submit weighout slips (*i.e.*, owners/operators of vessels with an Atlantic Tunas General category permit, Atlantic Tunas Harpoon category permit, Swordfish General Commercial permit, and/or HMS Charter/Headboat permit). Note that under this alternative, the Agency would need to maintain the weighout slip requirement for vessel owners/operators reporting in the SEFSC Commercial Electronic Logbook and the associated burden on the Agency to enter data received via weighout slip.

Miscellaneous Regulatory Changes and Related Rulemaking

NMFS is proposing to restructure some paragraphs of the HMS reporting regulations in § 635.5, including modifying paragraph headings, to implement the above proposed regulatory changes and clarify the existing regulations. For example, NMFS is proposing to include all reporting requirements for owners/operators of vessels with HMS Charter/Headboat permits under § 635.5(a), rather than both § 635.5(a) and (c) as they are currently. NMFS is also proposing to move the existing chartering arrangement regulations at § 635.5(a)(5) to the more applicable section of the regulations under § 635.32(e).

NMFS is proposing to clarify some of the existing reporting regulations, including by stating that logbook reporting, currently under § 635.5(a)(1), includes the disposition of fish caught. NMFS would clarify which species need individual weights reported in the weighout slip, currently under § 635.5(a)(2). NMFS would clarify that § 635.5(a)(6) refers to vessel monitoring system (VMS) and individual bluefin tuna quota (IBQ) reporting requirements. In addition, NMFS would clarify that the requirement for dealers to inspect a vessel's permit applies to all HMS landings received by the dealer (under § 635.5(b)(1)(i)), and not only for bluefin tuna, and that, in both cases, dealers collect the vessel number rather than the permit number. NMFS would also adjust the deadline for modifying dealer reports under § 635.5(b)(1)(ii) from 30 days to 120 days after the report is submitted, in order to align with current practices as well as the operational deadline of other State and Federal dealer reporting programs. NMFS is proposing to clarify that the confirmation number required for recreational reporting (see 50 CFR 635.5(c)(2)) is required for bluefin tuna as well as swordfish and billfish and could also be a unique identifier for the report (*e.g.*, a vessel trip report number), as not all electronic reporting systems provide a confirmation number. NMFS would clarify that alternative recreational catch reporting methodologies under § 635.5(c)(3) include online reporting. NMFS is also proposing to add cross-references to § 635.5 that were missing from the prohibitions at § 635.71(a)(25) and (b)(26). Other proposed regulatory changes include updating cross-references to paragraphs of §§ 635.5 and 635.32 according to the restructured regulations mentioned above and using

the abbreviation "BFT" for "bluefin tuna" to be consistent across regulations. These clarifications and corrections would improve the administration and enforcement of HMS regulations and are consistent with the intent of this action as well as previously analyzed and approved management measures.

NMFS is also proposing to remove vessel owners in the squid trawl fishery and vessel owners with Federal commercial smoothhound permits from potential logbook and cost-earnings reporting under § 635.5(a)(1) and (2). Consistent with the decision in Amendment 9 to the 2006 Consolidated HMS FMP, vessel owners with Federal commercial smoothhound permits have not been selected for HMS logbook reporting to date. Vessel owners in the squid trawl fishery report to GARFO as do vessel owners with Federal commercial smoothhound permits who also hold GARFO permits (approximately 60 percent). Catch data from these fisheries are also collected through dealer reporting. No longer referring to these permits will further clarify the intent of these regulations.

For consistency with the Shark Fin Sales Elimination Act, Public Law 117–263 § 5946(b) signed into law on December 23, 2022, and as a clarification of current reporting practices, NMFS proposes to remove references to reporting shark fins separately from shark carcasses on weighout slips and dealer reports in the HMS regulations at §§ 635.5(a)(2) and (b)(1)(i) and 635.30(c)(3).

As mentioned above, there are several efforts underway regarding vessel and dealer reporting. One of the objectives of this proposed rule is to streamline HMS reporting for commercial and recreational fisheries consistent with the "One Stop Reporting" initiative for HMS, the Greater Atlantic Region, and the Southeast Region fisheries. To that end, this proposed rule was developed while maintaining consistency, to the extent practicable, with those efforts. In addition to this proposed rule, NMFS is currently developing a proposed rule to implement a joint South Atlantic Fishery Management Council and Gulf of Mexico Fishery Management Council FMP amendment addressing electronic reporting for commercial vessels. That proposed rule would maintain reporting requirements for commercial vessels reporting through the Coastal Fisheries logbook but require electronic submission of reports using available software. More information on the joint FMP amendment can be found at: <https://safmc.net/amendments/dolphin-wahoo-amendment-4/> and at: <https://>

gulfcouncil.org/fishery-management-2/amendments-under-development/.

Additionally, the Gulf of Mexico Fishery Management Council is currently considering an FMP amendment on data collection for federally permitted for-hire vessels. More information on that effort can be found at: <https://gulfcouncil.org/fishery-management-2/amendments-under-development/>. NMFS would take the appropriate action to implement the amendment, which could include proposing any changes in a proposed rule, once the Gulf of Mexico Fishery Management Council submits the FMP amendment to NMFS.

Request for Comments

NMFS is requesting comments on this proposed rule, which may be submitted at: <https://www.regulations.gov> or at a public hearing. NMFS solicits comments on this action by January 6, 2025 (see **DATES** and **ADDRESSES**).

Implementation of the measures proposed in this rulemaking is contingent on available funding. Implementation of some or all aspects of the preferred alternatives may be delayed pending funding availability and any needed development of, or changes to, electronic reporting systems/applications. In addition to comments on the alternatives themselves, should delayed

implementation be necessary, NMFS is requesting comments on which alternatives the public feels are most important.

During the comment period, NMFS will hold three public hearings via webinars, as shown in table 1. Requests for sign language interpretation, interpretation to another language, or other auxiliary aids should be directed to Carrie Soltanoff at carrie.soltanoff@noaa.gov or 301-427-8503, at least 7 days prior to the meeting. In addition, any requests for in-person public hearings during the comment period should be directed to Carrie Soltanoff at carrie.soltanoff@noaa.gov or 301-427-8503.

TABLE 1—DATES AND TIMES OF UPCOMING PUBLIC HEARING WEBINARS

Dates and times	Webinar information
October 16, 2024, 9 a.m.–11 a.m. ET October 29, 2024, 4 p.m.–6 p.m. ET. December 2, 2024, 9 a.m.–11 a.m. ET.	https://www.fisheries.noaa.gov/action/proposed-rule-electronic-reporting-requirements-atlantic-highly-migratory-species .

The public is reminded that NMFS expects participants at the public hearings to conduct themselves appropriately. At the beginning of each public hearing, a representative of NMFS will explain the ground rules (e.g., alcohol is prohibited from the hearing room, attendees will be called to give their comments in the order in which they registered to speak, each attendee will have an equal amount of time to speak, and attendees should not interrupt one another). At the beginning of the webinar, the moderator will explain how the webinar will be conducted and how and when attendees can provide comments. The NMFS representative will attempt to structure the meeting so that all attending members of the public will be able to comment, if they so choose, regardless of the controversial nature of the subject(s). Attendees are expected to respect the ground rules, and, if they do not, they may be asked to leave the hearing or may not be allowed to speak during the webinar.

Classification

Pursuant to section 304(g) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the 2006 Consolidated HMS FMP and its amendments, other provisions of the Magnuson-Stevens Act, ATCA, and other applicable law, subject to further consideration after public comment.

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

Pursuant to the National Environmental Policy Act (NEPA), NMFS has preliminarily determined that the action proposed falls within categorical exclusion Category A1, an action that is a technical correction or a change to a fishery management action or regulation, which does not result in a substantial change in any of the following: fishing location, timing, effort, authorized gear types, or harvest levels. This is a category of actions that does not normally have a significant effect on the quality of the human environment, is not connected to a larger action, and does not involve extraordinary circumstances precluding use of the categorical exclusion. As such, NMFS has preliminarily determined that this action is categorically excluded from further NEPA review.

Regulatory Flexibility Act

An IRFA was prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A summary of the analysis follows. A copy of this analysis is available from NMFS (see **ADDRESSES**).

Section 603(b)(1) requires Agencies to describe the reasons why the action is being considered. The purpose of this rulemaking is to: (1) streamline and modernize reporting for HMS through electronic reporting and consolidation of reporting deadlines, including converting existing commercial paper logbooks to electronic logbooks; (2)

expand electronic logbook reporting to additional commercial and charter/headboat vessel owners; and (3) collect additional information from dealers through existing electronic reporting mechanisms.

Section 603(b)(2) of the RFA requires Agencies to state the objective of, and legal basis for the proposed action. The expansion of reporting requirements under this action would create consistency with Agency efforts in other fisheries and augment data necessary for fishery science and management. Electronic logbook reporting is a step towards streamlining HMS reporting for commercial, for-hire, and private recreational fisheries consistent with the “One Stop Reporting” initiative for HMS, Greater Atlantic Region, and Southeast Region fisheries. The intent of the “One Stop Reporting” initiative is to expand capabilities for the submission of a single electronic report to satisfy overlapping reporting requirements of vessels holding permits in multiple regions.

The legal basis for this proposed rule stems from the Magnuson-Stevens Act. Under the Magnuson-Stevens Act, NMFS must, consistent with ten National Standards, manage fisheries to maintain optimum yield (OY) by rebuilding overfished fisheries and preventing overfishing. This proposed rule is also consistent with ATCA, under which NMFS is authorized to promulgate regulations as may be necessary and appropriate to carry out binding recommendations of ICCAT. Additionally, any management

measures must be consistent with other domestic laws including NEPA, the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), and the Coastal Zone Management Act (CZMA).

Section 603(b)(3) of the RFA requires agencies to provide an estimate of the number of small entities to which the rule would apply. The Small Business Administration (SBA) authorizes an agency to develop its own industry-specific size standards after consultation with the SBA Office of Advocacy and an opportunity for public comment (see 13 CFR 121.903(c)). Pursuant to this process, NMFS issued a final rule that established a small business size standard of \$11 million in annual gross receipts for all businesses in the commercial fishing industry (North American Industry Classification System (NAICS) code 11411) for RFA compliance purposes (80 FR 81194, December 29, 2015; effective on July 1, 2016). SBA has established size standards for all other major industry sectors in the United States, including the scenic and sightseeing transportation (water) sector (NAICS code 487210, for-hire), which includes charter/party boat entities. The SBA has defined a small charter/party boat entity as one with average annual receipts (revenue) of less than \$14.0 million. Atlantic HMS dealers can be classified as fish and seafood merchant wholesalers under NAICS code 424460. SBA has defined a small fish and seafood merchant wholesaler as any business that employs fewer than 100 employees.

NMFS considers all HMS commercial fishing permit holders to be small entities because they had average annual receipts of less than \$11 million for commercial fishing. Commercial fishing for Atlantic HMS only generated just over \$40 million in 2021. Of the vessels with HMS commercial limited access permits, no single pelagic longline vessel has exceeded \$11 million in revenue in recent years. HMS bottom longline commercial fishing vessels typically earn less revenue than pelagic longline vessels and, thus, would also be considered small entities. None of the commercial fishing business owners reported having more than \$11 million in gross receipts on the annual Federal permit application form for their limited access fishing permit renewal. SERO issued 802 HMS commercial fishing permits in 2022.

In addition, NMFS estimates 518 permitted dealers would also be impacted by this proposed rule based on an analysis of our various dealer permits. NMFS assumes that these

dealers are all considered small entities based on our experience with these businesses and most employ far fewer than 100 employees.

In addition to the limited access fishing permits issued by SERO, the proposed rule would also potentially impact HMS open access permit holders issued via the Atlantic HMS Permit Shop at: <https://hmspermits.noaa.gov/>. In 2022, 4,259 HMS Charter/Headboat category permits were issued. NMFS is not aware of any HMS Charter/Headboat permit holders earning more than \$14 million, so these businesses are also considered small entities.

There were also 2,757 Atlantic Tunas General category and Swordfish General Commercial permits (including Atlantic Tunas General category permits, Swordfish General Commercial permits, and permits that combine the two) and 27 Harpoon category permits issued in 2022. NMFS is not aware of any of these commercial fishing permit holders earning more than \$11 million, so these businesses are also considered small entities.

This proposed rule would also impact HMS Angling permit holders, but those permit holders are considered individuals and not small entities under RFA.

NMFS has determined that the preferred alternatives would not likely directly affect any small organizations or small government jurisdictions defined under RFA, nor would there be disproportionate economic impacts between large and small entities.

Section 603(b)(4) of the RFA requires agencies to describe any new reporting, recordkeeping and other compliance requirements. Some preferred alternatives this proposed rule would result in reporting, record-keeping, and compliance requirements that require a modified Paperwork Reduction Act (PRA) filing. This rule revises the existing requirements for three collections of information, including OMB Control Number 0648-0371 “Highly Migratory Species Vessel Logbooks and Cost-Earnings Data Reports,” 0648-0040 “Highly Migratory Species Dealer Reporting Family of Forms,” and 0648-0328 “Atlantic Highly Migratory Species Recreational Landings and Bluefin Tuna Catch Reports.”

This proposed rule would revise and extend the existing requirements under OMB Control Number 0648-0371 for owners/operators of vessels with HMS commercial limited access permits (*i.e.*, Atlantic Tunas Longline category, shark directed, shark incidental, swordfish directed, swordfish incidental, and swordfish handgear) to complete and

submit logbook reports electronically under the SEFSC Commercial Electronic Logbook through an electronic system/application approved by NMFS for Atlantic HMS reporting, where previously they have been required to submit a paper-based logbook. Additionally, rather than mailing in paper weighout slips, vessel owners/operators would be required to submit them electronically with the logbook as an uploaded file. NMFS would develop an optional standardized weighout slip form, which could be completed by HMS dealers for the vessel owners/operators.

We estimate 225 vessel owners/operators with HMS commercial limited access permits would complete 45 electronic trip/set reports, and 5 no-fishing/no catch reports each year with no additional recordkeeping or reporting costs, excluding labor costs. A subset of 45 vessel owners/operators with limited access permits would be selected for cost-earnings reporting which would require the electronic submission of an estimated 9 trip cost-earnings reports, and one annual expenditure report per year. Finally, we estimate a maximum of 540 HMS dealers would use the optional form provided by NMFS to generate 5 vessel weighout slips per year to be submitted by vessel owners/operators with electronic logbook requirements.

This proposed rule would also revise and extend the existing logbook reporting requirements under 0648-0371 for vessel owners/operators with open access Atlantic tunas and swordfish permits, including the Atlantic Tunas General or Harpoon category, Swordfish General Commercial, and HMS Charter/Headboat permits. Currently, these individuals are only required to maintain and submit paper logbook reports if selected to report in the Atlantic HMS logbook. Under this proposed rule, these permit holders would be required to report all trips, regardless of target species or whether fish were caught, through an electronic logbook system/application approved by NMFS for Atlantic HMS reporting. Each trip report would also include trip-level cost-earnings reporting, and no-fishing reports would be required on a monthly basis for months in which no fishing activity took place. A sub-sample of permit holders would also be selected to complete an annual expenditure report. We estimate 7,043 vessel owners with open access Atlantic tunas, swordfish, or HMS Charter/Headboat permits would complete on average 46 trip reports and 4 no-fishing reports each year with no additional recordkeeping

of reporting costs (excluding labor costs). A subset of likely no more than 1,409 vessel owners would be selected to complete an annual expenditure report.

This proposed rule would also revise and extend reporting requirements under 0648–0328 “Atlantic Highly Migratory Species Recreational Landings and Bluefin Tuna Catch Reports.” Currently, HMS Angling, HMS Charter/Headboat, and Atlantic Tunas General and Harpoon category permit holders are required to submit catch reports for bluefin tuna, billfish, and swordfish within 24 hours of landing them. There are several options for submitting these reports, including via an online reporting portal on the HMS Permits website, an HMS Catch Reporting mobile application, designated for-hire electronic logbook applications, two State HMS catch card programs, and a toll-free phone line. This proposed rule would eliminate the option to report via toll-free phone line, while continuing to allow reporting via the other reporting options for HMS Angling permit holders. Under this proposed rule, HMS Charter/Headboat, Atlantic Tunas General category, and Atlantic Tunas Harpoon category permit holders would no longer be required to submit catch reports, as these data would be captured through their logbook reports.

This proposed rule would also revise and extend reporting requirements under 0648–0040, “Highly Migratory Species Dealer Reporting Family of Forms”, for federally permitted HMS dealers. Currently, HMS dealers are required to report individual fish weights for bluefin tuna but have the option to report aggregate weights for all other HMS-managed species. This rule proposes to expand the requirement for HMS dealers to report individual fish weights to BAYS tunas, swordfish, and pelagic sharks (*i.e.*, blue, porbeagle, common thresher, and, if and when allowed, shortfin mako sharks). We estimate 500 HMS dealers would submit 26 electronic landings reports per year. An additional 40 HMS dealers that use a “file upload” model of reporting would be estimated to submit 45 landings reports per year. Additionally, this rule proposes to eliminate the requirement for bluefin tuna dealers to submit bi-weekly landing and trade reports for bluefin tuna received from U.S. vessels as the information submitted via these reports is duplicated under other bluefin tuna reporting requirements.

Under section 603(b)(5) of the RFA, agencies must identify, to the extent practicable, relevant Federal rules

which duplicate, overlap, or conflict with the proposed action. Fishermen, dealers, and managers in these fisheries must comply with a number of international agreements, domestic laws, and other fishery management measures. These include, but are not limited to, the Magnuson-Stevens Act, ATCA, the High Seas Fishing Compliance Act, MMPA, ESA, NEPA, PRA, and CZMA. This proposed action has been determined not to duplicate, overlap, or conflict with any Federal rules. As described under the objectives for this action, electronic logbook reporting is a step towards streamlining HMS reporting for commercial, for-hire, and private recreational fisheries consistent with the “One Stop Reporting,” the intent of which is to expand capabilities for the submission of a single electronic report to satisfy overlapping reporting requirements of vessels holding permits in multiple regions, consolidate reporting deadlines, and thus remove any duplicative reporting.

One of the requirements of an IRFA is to describe any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities. The analysis shall discuss significant alternatives such as: (1) establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) use of performance rather than design standards; and (4) exemptions from coverage of the rule, or any part thereof, for small entities. These categories of alternatives are described at 5 U.S.C. 603 (c)(1)–(4). NMFS examined each of these categories of alternatives. Regarding the first and fourth categories, NMFS cannot establish differing compliance or reporting requirements for small entities or exempt small entities from coverage of the rule or parts of it because all of the businesses impacted by this rule are considered small entities and thus the requirements are already designed for small entities. NMFS examined alternatives that fall under the second category, which requires agencies to consider whether they can clarify, consolidate, or simplify compliance and reporting requirements under the proposed rule for small entities. Many of the alternatives in this proposed rule are designed to implement electronic reporting, provide

more flexibility by allowing for consolidated “One Stop Reporting,” and simplify reporting by eliminating some required reports. The use of a performance standard, the third category, to monitor catch and landings by itself is not practical. NMFS is allowing for some flexibility in the electronic reporting applications that can be used as long as those programs collect the necessary data fields, and thus to some degree is performance oriented versus implementing strict requirements for a specific electronic reporting application. Thus, NMFS has considered the significant alternatives to the proposed rule and focused on modernizing and consolidating reporting requirements for HMS permit holders in order to minimize any significant economic impact of the proposed rule on small entities.

A. Electronic Logbook for HMS Commercial Limited Access Permits

NMFS is considering two suites of alternatives regarding implementation of a commercial electronic logbook to replace the existing paper commercial Atlantic HMS logbook and Coastal Fisheries logbook. Alternative A1 addresses the format for submission of logbooks and associated weighout slips. Alternative A2 addresses the timing requirement for logbook submission. Sub-alternatives under these alternatives are described below.

Alternative A1. Format for Submission of Logbooks and Associated Weighout Slips

Two sub-alternatives are being considered for the format for submission of logbooks and associated weighout slips (Alternative A1). Sub-alternative A1a is the status quo alternative for the format for submission of logbooks and associated weighout slips. The status quo would maintain consistency with current requirements and maintain the current business practices of vessel owners/operators. However, given that other NMFS GARFO and SERO permits require, or have proposed requiring, electronic submission of logbooks, maintaining paper reporting for vessel owners/operators with HMS commercial limited access permits would cause an increased burden on those owners/operators as they would need to fill out multiple logbook submissions where they also hold GARFO and/or SERO permits. Electronic submission, including for weighout slips, also reduces the administrative burden on the Agency for logbook processing.

Under Sub-alternative A1b, the preferred alternative, owners/operators of vessels with HMS commercial limited

access permits would complete and submit logbook reports electronically, and rather than mailing in the weighout slips, they would be submitted electronically with the logbook as an uploaded file. Electronic submission of logbooks could allow for “One Stop Reporting” for vessel owners/operators that hold some combination of HMS, SERO, and GARFO permits.

NMFS estimates that after an initial period of adjustment of business practices needed to go from a paper to an electronic format, the number of reports and time needed to complete the reports will remain similar to the status quo. NMFS estimates that a typical small business using the HMS commercial logbook would submit 45 trip reports per year and each of those reports would take about 12 minutes to complete. The total reporting burden associated with trip/set summary reports would be approximately \$254 per year per business (45 reports * 0.2 hours * \$28.28/hour = \$254 per year). NMFS also estimates that a typical small business using the HMS commercial logbook would submit on average five No-Fishing/No Catch reports per year that take 2 minutes to complete. The total reporting burden associated with trip/set summary reports would be approximately \$4 per year per business (5 reports * 0.03 hours * \$28.28/hour = \$4 per year). NMFS also estimates that weighout slips are completed by dealers for vessel owners/operators on average five times per year and can take an hour to produce for a total estimated labor burden per business per year of approximately \$141 (5 reports * 1 hour * \$28.28/hour = \$141 per year). Based on 2022 logbook reporting activity, 137 vessels reported in the current paper based Atlantic HMS logbook and 86 HMS permitted vessels reported HMS landings in the Coastal Fisheries logbook. These reports would take an estimated 10 and 2 minutes to complete, respectively, for a combined 2,059 burden hours per year across the fleet.

Note that under Sub-alternative A1b, NMFS may evaluate the need to continue to collect individual carcass weights via weighout slips in the future. Under preferred Alternative D2, described below, dealers would be required to report individual carcass weights for additional species. After collecting data from both vessel weighout slips and dealers, NMFS would consider whether sufficient information is being collected via dealer reporting to discontinue collection of individual carcass weights on weighout slips in the future. That would save dealers the costs associated with producing weighout slips for vessel

owners/operators or vessel owner/operators having to create those weighout slips themselves. The average cost per dealer is approximately \$141 per year to complete weighout slips.

Alternative A2. Timing Requirement for Logbook Submission

NMFS is considering four sub-alternatives regarding the timing requirements for logbook submission. Sub-alternative A2a is the status quo alternative for timing of logbook submission. The status quo would maintain consistency with current requirements and maintain the current business practices of vessel owners/operators, and therefore not change the operating costs for these small businesses. However, maintaining a two-tiered requirement for timing of reporting (*i.e.*, entering information within 48 hours and submitting logbook reports within 7 days) may make the regulations overly complicated. The requirement to submit logbooks within 7 days of offloading would remain consistent with the requirement for SERO permit holders. Vessel owners/operators that hold both HMS commercial limited access permits and GARFO permits would continue to follow the 48-hour reporting requirement for GARFO permit holders.

Under preferred Sub-alternative A2b, vessel owners/operators would be required to submit completed electronic logbook reports within 7 days of offloading all HMS. The 7-day reporting requirement would be consistent with the status quo timing requirement for submission of logbooks in the HMS regulations as well as with the timing requirement for submission of commercial logbooks by SERO permit holders. Vessel owners/operators that hold both HMS commercial limited access permits and GARFO permits would continue to follow the 48-hour eVTR submission requirement for GARFO permit holders. While NMFS would continue to encourage vessel owners/operators to complete logbooks as soon as possible in communications, removing the 48-hour logbook information entry requirement from the regulations would simplify reporting by having a single deadline to complete and submit HMS logbook reports, and would also better match current practices of vessel owners/operators. However, removing this requirement could discourage timely recording of trip details in the logbook, and thus increase recall bias and degrade data accuracy, and thus we encourage vessel owners/operators to complete this information as soon as possible. Nevertheless, requiring logbook

submission on a longer timeframe gives more flexibility to vessel owners/operators to complete reports when they have the opportunity. A longer timeframe also allows vessel owner/operators time to receive information they may need from dealers or others, for example, weighout slips. Giving a longer timeframe for submission also allows vessel owners/operators time to seek assistance they may need in completing their logbooks, for example, from customer service associated with electronic logbooks, or language assistance from community groups (*e.g.*, Vietnamese and Spanish community groups).

Under Sub-alternative A2c, vessel owners/operators would be required to submit logbook reports within 48 hours of offloading all HMS, including the cost-earnings portion of the logbook for selected vessel owners. This requirement to submit logbook reports within 48 hours would be consistent with the timing requirement for submission of eVTRs by GARFO permit holders (although eVTRs must be completed to the extent possible prior to entering port) but would be more restrictive than the requirement for SERO permit holders. Requiring logbook submission on a shorter timeframe allows for NMFS to receive and analyze data in a timely manner. In addition, it could improve data quality and accuracy by reducing recall bias, improving stakeholder confidence, and reducing uncertainty associated with these data when used in science or management applications. However, this alternative is more restrictive than the status quo and preferred alternative, so it provides HMS vessel owners/operators less flexibility in reporting, reduces the time they have to get assistance with reporting, and therefore could be more costly for some small businesses.

Under Sub-alternative A2d, vessel owners/operators would be required to submit logbook reports within 24 hours of offloading all HMS, including the cost-earnings portion of the logbook for selected vessel owners. This alternative is consistent with the catch reporting requirements we have for our open access tuna handgear permits that interact with bluefin tuna commercially. This requirement to submit logbook entries within 24 hours would be consistent with preferred Sub-alternative B2a for timing of logbook submission by vessel owner/operators with HMS open access commercial permits (*i.e.*, Atlantic Tunas General or Harpoon category and Swordfish General Commercial) or HMS Charter/Headboat permits. The impacts of this

alternative are similar to Sub-alternative A2c but is even more restrictive with its shorter time frame for reporting making it very difficult for HMS vessel owners/operators to seek assistance for electronic reporting or to deal with unexpected circumstances that might result in minor delays in reporting. This alternative is more restrictive than Sub-alternative A2c, and therefore, could be more costly for some small businesses.

B. Electronic Logbook for Atlantic Tunas General Category Permit, Atlantic Tunas Harpoon Category Permit, Swordfish General Commercial Permit, and HMS Charter/Headboat Permit

NMFS is considering three suites of alternatives regarding implementation of an electronic logbook requirement for vessel owners/operators that hold certain HMS commercial open access permits and/or HMS Charter/Headboat permit. The commercial open access permits referenced under these alternatives are the Atlantic Tunas General category permit, Atlantic Tunas Harpoon category permit, and Swordfish General Commercial permit. Alternative B1 addresses electronic logbook requirements for these permit categories. Alternative B2 addresses the timing requirement for electronic logbook submission. Alternative B3 addresses cost and earnings information. Sub-alternatives under these alternatives are described below.

Alternative B1. Electronic Logbook Requirements

Sub-alternative B1a is the status quo alternative for catch reporting for these permits. NMFS would maintain existing electronic catch reporting for vessel owners/operators with Atlantic Tunas General and Harpoon category permits through an electronic system/application approved by NMFS for Atlantic HMS reporting or reporting via telephone. NMFS would require reporting of bluefin tuna landings and dead discards only, and vessel owners/operators would only report on trips where bluefin tuna are caught. NMFS would also maintain existing electronic reporting for owners/operators of HMS Charter/Headboat permitted vessels through an electronic system/application approved by NMFS for Atlantic HMS reporting, reporting via telephone, or by other means as specified by NMFS. Owners/operators of HMS Charter/Headboat permitted vessels would report all bluefin tuna landings and dead discards, all non-tournament landings of Atlantic blue marlin, Atlantic white marlin, roundscale spearfish, and Atlantic sailfish, and all non-tournament and

non-commercial landings of North Atlantic swordfish. The status quo would maintain consistency with current requirements and maintain the current business practices of vessel owners/operators. It would continue to allow timely inseason quota management, particularly for bluefin tuna and billfish. NMFS would continue to allow landings to be phoned in, and retaining telephone reporting would continue the administrative time and cost to the Agency of receiving and returning phone calls and voicemails.

Sub-alternative B1b would be the same as Sub-alternative B1a with the exception of removing the option to report via telephone. Removing telephone reporting would impact a small number of businesses that own or operate vessels with Atlantic Tunas General category, Harpoon category, Swordfish General Commercial, or HMS Charter/Headboat permits that have become accustomed to reporting via telephone might have some minor costs associated with switching to another reporting method. In 2022, less than 7 percent of reports (*i.e.*, 433 reports) came in via telephone or email, the remaining 93 percent (*i.e.*, 5,837 reports) were reported electronically via either eTRIPS, the HMS Permits website, or the HMS Catch Reporting smartphone application.

Under preferred Sub-alternative B1c, NMFS would expand species and trip reporting requirements via electronic logbook for vessel owners/operators with Atlantic Tunas General category, Atlantic Tunas Harpoon category, Swordfish General Commercial, and/or HMS Charter/Headboat permits. Electronic logbook reporting under preferred Sub-alternative B1c would be for all trips, including trips taken by an Atlantic Tunas General category, Swordfish General Commercial, and/or HMS Charter/Headboat permitted vessel when participating in a tournament. Vessel owners/operators would indicate in the logbook which trips were associated with a tournament. Implementation of a logbook program would place added burden on vessel owners/operators. The requirement to report on all trips, regardless of whether fish were caught, and to report all species, would be consistent with the current commercial Atlantic HMS logbook and with requirements for GARFO commercial and for-hire permit holders and SERO South Atlantic for-hire permit holders. The requirement to submit no-fishing reports on a monthly basis for months in which no fishing activity took place would be similar to the commercial Atlantic HMS logbook.

Alternative B2. Timing Requirement for Electronic Logbook Submission

Alternative B2 only applies if implementing an electronic logbook under preferred Sub-alternative B1c above. The following sub-alternatives consider the timing requirement for submission of an electronic logbook.

Under preferred Sub-alternative B2a, vessel owners/operators would be required to submit completed electronic logbooks within 24 hours of the end of a trip. This sub-alternative would maintain the 24-hour catch reporting requirement that vessel owners/operators currently follow but would expand the amount of information they may be submitting after each trip. Currently vessel owners/operators must submit bluefin tuna landings within 24 hours to allow for in season monitoring of different, and often small, bluefin tuna quotas and subquotas. This preferred sub-alternative would maintain the 24-hour reporting deadline for bluefin tuna while providing for a single timing requirement for all logbook submissions. Having more than one reporting deadline under this logbook would make the regulations more complex both for vessel owners/operators and for enforcement.

Some GARFO and SERO South Atlantic for-hire vessel owners/operators possess HMS Charter/Headboat permits in case of incidental HMS catch. Given that Sub-alternative B2a would be more restrictive than the reporting requirement for GARFO commercial or for-hire permit holders, or for SERO South Atlantic for-hire permit holders, these permit holders may decide to drop their HMS commercial open access or Charter/Headboat permits to avoid the extra reporting burden.

Under Sub-alternative B2b, vessel owners/operators would be required to submit completed electronic logbooks within 48 hours of the end of a trip. The requirement to report within 48 hours under Sub-alternative B2b would be consistent with the reporting requirement for GARFO commercial and for-hire permit holders but would be more restrictive than the requirement for SERO South Atlantic for-hire permit holders. However, this sub-alternative would delay the bluefin tuna catch data stream that is used for management of category quotas and subquotas.

Under Sub-alternative B2c, for trips with bluefin tuna landings or dead discards, vessel owners/operators would be required to submit completed electronic logbooks within 24 hours of the end of a trip. For trips with no bluefin tuna landings or dead discards,

vessel owners/operators would be required to submit completed electronic logbooks within 48 hours of the end of a trip. Sub-alternative B2c would maintain the important data stream for inseason management of bluefin tuna category quotas and subquotas, while allowing additional time for vessel owners/operators to report on non-bluefin tuna trips. However, this sub-alternative would complicate the reporting regulations. The 48-hour reporting requirement would be consistent with the reporting requirement for GARFO commercial and for-hire permit holders but would be more restrictive than the requirement for SERO South Atlantic for-hire permit holders.

Under Sub-alternative B2d, for trips with bluefin tuna landings or dead discards, vessel owners/operators would be required to submit completed electronic logbooks within 24 hours of the end of a trip. For trips with no bluefin tuna landings or dead discards, vessel owners/operators would be required to submit completed electronic logbooks within 7 days of the end of a trip. This sub-alternative would maintain the important data stream for inseason management of bluefin tuna category quotas and subquotas, while allowing a substantial amount of additional time for vessel owners/operators to report on non-bluefin tuna trips. However, this sub-alternative would complicate the reporting regulations. The 7-day reporting requirement would mirror requirements for SERO South Atlantic for-hire permit holders, but vessel owners/operators that hold both HMS commercial open access or Charter/Headboat permits and GARFO permits would continue to follow the 48-hour reporting requirement for GARFO permit holders.

Alternative B3. Cost and Earnings Information

Sub-alternative B3a is the status quo alternative for collection of cost and earnings information. This status quo requirement to report in logbooks, including completion of the cost-earnings portion, although in the regulations, has not been exercised by NMFS on a regular basis for vessel owners with open access commercial or HMS charter/headboat permits.

Under Sub-alternative B3b, vessel owners/operators with Atlantic Tunas General category, Atlantic Tunas Harpoon category, Swordfish General Commercial, and/or HMS Charter/Headboat permits selected by NMFS for a given calendar year would submit cost and earnings information only via an annual survey, rather than through post-

trip logbook submissions. Particularly for the for-hire industry, because it is relatively consistent in trip duration, fishing location, and target species, a survey that collects data on annual expenses and average trip costs and earnings could be sufficient to characterize the economic impacts of for-hire fishing while minimizing duplicative reporting on charter/headboat owners/operators. However, collecting cost-earnings data from only a portion of permitted vessels would not provide as complete economic data as if all vessel owners/operators are reporting. Vessel owners/operators with Federal for-hire permits in the South Atlantic, in addition to an HMS Charter/Headboat permit, would need to report cost and earnings information for all trips following the South Atlantic requirements.

Under preferred Sub-alternative B3c, all vessel owners/operators with Atlantic Tunas General category, Atlantic Tunas Harpoon category, Swordfish General Commercial, and/or HMS Charter/Headboat permits would submit cost and earnings information for each trip through the completion of a cost-earnings portion in the electronic logbook. This requirement would follow the timing implemented under Alternative B2 in order to maintain one timeline for reporting and facilitate compliance monitoring. Vessel owners/operators selected by NMFS for a given calendar year would submit additional cost and earnings information via an annual survey. Reporting cost and earnings information on all trips would be consistent with the electronic reporting requirements for vessel owner/operators with Federal for-hire permits in the South Atlantic. However, if preferred Sub-alternative B2a is implemented, collecting cost and earnings information for each trip would add to the information that vessel owners/operators would need to report within 24 hours after a trip.

C. HMS Angling Permit Reporting Requirements

NMFS is considering four alternatives (C1, C2, C3, and C4) regarding reporting requirements for vessel owners with an HMS Angling permit, as listed below. HMS Angling permit holders are considered individuals and not small entities under RFA. Alternative C1 is the status quo alternative for reporting by vessel owners with HMS Angling permits under which vessel owners would be required to report all bluefin tuna, billfish, and swordfish landings and bluefin tuna dead discards. These catch reports can be submitted through an electronic system/application

approved by NMFS for Atlantic HMS reporting (currently, the HMS Permits website or the HMS Catch Reporting smartphone application), a telephone number designated by NMFS, or by other means as specified by NMFS. Alternative C2, the preferred alternative, removes the option for HMS Angling permit holders to report via telephone. Alternative C3 would require the owner of an HMS Angling permitted vessel to report all pelagic shark landings in addition to the current species reporting requirements under the status quo. Finally, Alternative C4 would require the owner of an HMS Angling permitted vessel to report all BAYS tunas landings in addition to the species reporting requirements under the status quo. None of these alternatives would have direct economic impacts on small entities since these alternatives only impact vessel owners with an HMS Angling permit.

D. HMS Dealer Reporting: Individual Fish Reports and Technical Change in Bluefin Tuna Reporting Requirements

NMFS is considering four alternatives (D1, D2, D3, and D4) regarding individual fish reports by HMS dealers and/or bluefin tuna reporting requirements, with two alternatives preferred. NMFS considers all HMS dealers to be considered small entities, therefore these four alternatives are detailed here along with the economic impacts of those alternatives on the HMS dealers.

Alternative D1. Status Quo

Alternative D1 is the status quo alternative for Federal HMS dealer reporting. Currently, dealers are required to report individual fish weights for bluefin tuna. For other species (*i.e.*, swordfish, BAYS tunas, sharks), dealers may report individual fish weights or they may report an aggregate weight for a given species. Currently, dealers with Atlantic tunas dealer permits must also submit a complete bi-weekly report on forms available from NMFS for bluefin tuna received from U.S. vessels. The status quo would maintain consistency with current requirements and maintain the current business practices of dealers. Under the status quo, dealers have flexibility to report according to their business practices, so some reports are at the individual fish level and some reports are at the aggregate weight level for fish that are all of the same species, quality, and price. The status quo would also maintain a duplicative reporting requirement for bluefin tuna bi-weekly reports. There would be no change in

economic impact to the HMS dealer small businesses.

Alternative D2. Expand Individual Fish Reports to Bays Tunas, Swordfish, and Pelagic Sharks

Alternative D2, a preferred alternative, expands individual fish reports to BAYS tunas, swordfish, and pelagic sharks (*i.e.*, blue, porbeagle, common thresher, and, if and when allowed, shortfin mako sharks). Currently, HMS dealers are required to report individual fish weights for bluefin tuna but have the option to report aggregate weights for all other HMS-managed species. NMFS estimates 500 HMS dealers would submit 26 electronic landings reports per year taking an estimated 1 hour on average per report for 26 hours of total burden per reporter or \$735 in labor costs per year per respondent. An additional 40 HMS dealers that use a “file upload” model of reporting would be estimated to submit 45 landings reports per year taking an estimated 2 hours on average per report for 90 hours per year per respondent or \$2,545 in labor costs per year per respondent. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Alternative D3. Expand Individual Fish Reports Only When Buying Fish From Vessels That Do Not Submit Weighout Slips

Alternative D3 would expand individual fish reports only when buying fish from vessels that do not submit weighout slips. Dealers buying fish landed from vessels whose owners/operators are submitting weighout slips with their logbook reporting (*i.e.*, owners/operators that report in the Atlantic HMS logbook, or that would report in the SEFSC Commercial Electronic Logbook under preferred Sub-alternative A1b) would not be required to report swordfish, BAYS tunas, and pelagic shark species individually on Federal dealer reports. Dealers would only be required to report these species individually when buying fish landed from vessels whose owner/operators do not submit weighout slips (*i.e.*, owners/operators of vessels with an Atlantic Tunas General category permit, Atlantic Tunas Harpoon category permit, Swordfish General Commercial permit, and/or HMS Charter/Headboat permit).

This alternative would reduce the number of reports in which dealers had to report individual fish weights, while also receiving individual fish weight

information from dealer reports that would not correspond with similar information on weighout slips. However, under this alternative, the Agency would need to maintain the weighout slip requirement for vessel owners/operators reporting in the SEFSC Commercial Electronic Logbook under preferred Sub-alternative A1b.

Alternative D4. Remove the Requirement To Submit a Bi-Weekly Report for Bluefin Tuna

Alternative D4, a preferred alternative, would remove the requirement for dealers to submit bi-weekly landing and trade reports for bluefin tuna. The information submitted via bi-weekly report is already collected under other bluefin tuna reporting requirements at § 635.5(b)(2)(i)(A). This preferred alternative would reduce the reporting burden for Atlantic tunas dealers and administrative burden on NMFS. It is estimated the elimination of the bi-weekly reports would reduce bluefin tuna dealer reporting burden by approximately 15 minutes per report and it is estimated that on average each permitted dealer submitted one report per year.

In this action, NMFS has considered the significant alternatives to the proposed rule and focused on modernizing and consolidating reporting requirements for HMS permit holders in order to minimize any significant economic impact of the proposed rule on small entities. The expansion of reporting requirements would create consistency with NMFS efforts in other fisheries and augment data necessary for fishery science and management. In this IRFA, NMFS analyzed reporting burden and associated labor costs, as these are the only economic costs anticipated to be incurred under the proposed changes in reporting requirements. There is no requirement to purchase any specialized equipment, as the approved electronic reporting systems/applications could be accessed on any desktop computer, smartphone, or other device, which are considered to be standard business costs. For vessel owners/operators with HMS commercial limited access permits, the preferred alternatives would complete and submit logbook reports electronically, and rather than mailing in the weighout slips, they would be submitted electronically with the logbook as an uploaded file. Electronic logbook reports would need to be submitted within 7 days of offloading all HMS. NMFS estimates that after an initial period of adjustment of business practices needed to go from a paper to an electronic format, the

number of reports and time needed to complete the reports will remain similar to the status quo. For vessel owners/operators with Atlantic Tunas General category, Atlantic Tunas Harpoon category, Swordfish General Commercial, or HMS Charter/Headboat permits, the preferred alternatives would expand species and trip reporting requirements via electronic logbook to report on all trips, regardless of whether fish were caught, and to report all species. Electronic logbook reports would need to be submitted within 24 hours of the end of a trip. All vessel owners/operators would submit cost and earnings information for each trip through the completion of a cost-earnings portion in the electronic logbook, and vessel owners/operators selected by NMFS for a given calendar year would submit additional cost and earnings information via an annual survey. Taken together, the preferred alternatives would increase the reporting burden for these vessel owners/operators with HMS open access permits, compared to the status quo catch reporting requirements. For HMS dealers, the preferred alternatives would expand individual fish weights in dealer reports to BAYS tunas, swordfish, and pelagic sharks, as well as remove the requirement for dealers to submit bi-weekly landing and trade reports for bluefin tuna. Requiring reporting of additional individual fish weights would increase the burden and labor costs on HMS dealers, while removing the bi-weekly reporting requirement would result in a small reduction in burden. NMFS is also proposing changes to reporting for vessel owners with HMS Angling permits; however, this change would not have direct economic impacts on small entities and, therefore, was not analyzed under this IRFA.

Paperwork Reduction Act

This proposed rule contains collection-of-information requirements subject to review and approval by OMB under the PRA (44 U.S.C. 3507(d)). This rule would revise the existing requirements for three collections of information, including OMB Control Numbers 0648–0371 “Highly Migratory Species Vessel Logbooks and Cost-Earnings Data Reports,” 0648–0040 “Highly Migratory Species Dealer Reporting Family of Forms,” and 0648–0328 “Atlantic Highly Migratory Species Recreational Landings and Bluefin Tuna Catch Reports.”

This proposed rule would revise and extend the existing requirements under OMB Control Number 0648–0371, “Highly Migratory Species Vessel

Logbooks and Cost-Earnings Data Reports,” for owners/operators of vessels with HMS commercial limited access permits (*i.e.*, Atlantic Tunas Longline category, shark directed, shark incidental, swordfish directed, swordfish incidental, and swordfish handgear) to complete and submit logbook reports electronically under the SEFSC Commercial Electronic Logbook through an electronic system/application approved by NMFS for Atlantic HMS reporting, where previously they have been required to submit a paper-based logbook. Additionally, rather than mailing in paper weighout slips, vessel owners/operators would be required to submit them electronically with the logbook as an uploaded file. NMFS would develop an optional standardized weighout slip form, which could be completed by HMS dealers for the vessel owners/operators.

We estimate 225 vessel owners/operators with HMS limited access permits would complete 45 electronic trip/set reports, and 5 no-fishing/no catch reports each year with no additional recordkeeping or reporting costs, excluding labor costs. These reports would take an estimated 10 and 2 minutes to complete, respectively, for a combined 2,059 burden hours per year across the fleet. A subset of 45 vessel owners/operators with limited access permits would be selected for cost-earnings reporting which would require the electronic submission of an estimated 9 trip cost-earnings reports, and 1 annual expenditure report per year, each at an estimated 30 minutes to complete for a combined 206 burden hours per year. Finally, we estimate a maximum of 540 HMS dealers would use the optional form provided by NMFS to generate 5 vessel weighout slips per year to be submitted by vessel owners/operators with electronic logbook requirements. The completion of these weighout slip forms would take an estimated 1 hour each on average for an estimated total of 2,700 burden hours per year. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

This proposed rule would also revise and extend the existing logbook reporting requirements under OMB Control Number 0648–0371, “Highly Migratory Species Vessel Logbooks and Cost-Earnings Data Reports,” for vessel owners/operators with open access Atlantic Tunas and Swordfish permits, including the Atlantic Tunas General or Harpoon category, Swordfish General

Commercial, and HMS Charter/Headboat permits. Currently, these individuals are only required to maintain and submit paper logbook reports if selected to report in the Atlantic HMS logbook. Under this proposed rule, these permit holders would be required to report all trips, regardless of target species or whether fish were caught, through an electronic logbook system/application approved by NMFS for Atlantic HMS reporting. Each trip report would also include trip-level cost-earnings reporting, and no-fishing reports would be required on a monthly basis for months in which no fishing activity took place. A sub-sample of permit holders would also be selected to complete an annual expenditure report. We estimate 7,043 vessel owners with open access Atlantic tunas, swordfish, or HMS Charter/Headboat permits would complete on average 46 trip reports and 4 no-fishing reports each year with no additional recordkeeping of reporting costs, excluding labor costs. These reports would take an estimated 10 and 2 minutes to complete, respectively, for a combined 65,420 burden hours per year across the fleet. A subset of 1,409 vessel owners would be selected to complete an annual expenditure report at an estimated 30 minutes to complete for an additional 704 burden hours per year. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

This proposed rule would also revise and extend reporting requirements under OMB Control Number 0648–0328, “Atlantic Highly Migratory Species Recreational Landings and Bluefin Tuna Catch Reports.” Currently, HMS Angling, HMS Charter/Headboat, and Atlantic Tunas General and Harpoon category permit holders are required to submit catch reports for bluefin tuna, billfish, and swordfish within 24 hours of landing them. There are several options for submitting these reports, including via an online reporting portal on the HMS Permits website, an HMS Catch Reporting mobile application, designated for-hire electronic logbook applications, two State HMS catch card programs, and a toll-free phone line. Changes to OMB Control Number 0648–0328, “Atlantic Highly Migratory Species Recreational Landings and Bluefin Tuna Catch Reports,” to align with the proposed rule would eliminate the option to report via toll-free phone line, while continuing to allow reporting via the other reporting options. It is estimated that this change

would have no impact on estimated reporting burden, as each method has the same estimated burden per response.

This proposed rule would also revise and extend reporting requirements under OMB Control Number 0648–0040, “Highly Migratory Species Dealer Reporting Family of Forms”, for federally permitted HMS dealers. Currently, HMS dealers are required to report individual fish weights for bluefin tuna but have the option to report aggregate weights for all other HMS-managed species. This rule proposes to expand the requirement for HMS dealers to report individual fish weights to BAYS tunas, swordfish, and pelagic sharks (*i.e.*, blue, porbeagle, common thresher, and, if and when allowed, shortfin mako sharks). We estimate 500 HMS dealers would submit 26 electronic landings reports per year taking an estimated 1 hour on average per report for 13,000 hours of total burden. An additional 40 HMS dealers that use a “file upload” model of reporting would be estimated to submit 45 landings reports per year taking an estimated 2 hours on average per report for 3,600 total burden hours per year. Additionally, this rule proposes to eliminate the requirement for bluefin tuna dealers to submit bi-weekly landing and trade reports for bluefin tuna received from U.S. vessels as the information submitted via these reports is duplicated under other bluefin tuna reporting requirements. It is estimated that the elimination of the bi-weekly reports would reduce Bluefin Tuna dealer reporting burden by approximately 108 hours per year. Finally, this rule would remove the requirement for dealers to report shark carcasses and fins separately. This change is not anticipated to reduce the number of expected responses and would have minimal impact on the time to complete landings reports and total burden hours. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Public comment is sought, but is not limited to, the following topics: (1) whether these proposed collections of information are necessary for the proper performance of the functions of the Department of Commerce, including whether the information shall have practical utility; the accuracy of the burden estimate; (2) ways to enhance the quality, utility, and clarity of the information to be collected; (3) ways to minimize the burden of the collections of information, including through the

use of automated collection techniques or other forms of information technology; and (4) any other relevant information germane to this rulemaking. Submit comments on these or any other aspects of the collections of information at: <https://www.reginfo.gov/public/do/PRAMain>. Notwithstanding any other provisions of the law, no person is required to respond or, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties, Reporting and recordkeeping requirements, Statistics, Treaties.

Dated: August 29, 2024.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 635 as follows:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

■ 1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

■ 2. In § 635.4, revise paragraph (a)(5) to read as follows:

§ 635.4 Permits and fees.

* * * * *

(a) * * *

(5) *Display upon offloading.* Upon offloading of Atlantic HMS for sale, the owner or operator of the harvesting vessel must present for inspection the vessel's HMS Charter/Headboat permit with a commercial sale endorsement; Atlantic tunas, shark, or swordfish permit; Incidental HMS squid trawl; HMS Commercial Caribbean Small Boat permit; and/or the shark research permit to the first receiver. The permit(s) must be presented prior to completing any applicable report specified at § 635.5(a)(2) through (4), (b)(1)(i), and (b)(2)(i).

* * * * *

■ 3. In § 635.5, revise paragraphs (a), (b), and (c) to read as follows:

§ 635.5 Recordkeeping and reporting.

* * * * *

(a) *Commercial vessel, charter boat, and headboat owners—(1) Responsibilities.* The owner of a vessel

may allow the vessel operator or another person to submit all required reports as described below. However, the owner of the vessel is responsible for ensuring that all reports are submitted in a timely and accurate manner.

(2) *Logbook reporting.* The owner of any vessel that has been issued or is required to be issued one of the permits described in paragraphs (a)(2)(i) and (a)(2)(ii) of this section must submit logbook reports through an electronic system/application approved by NMFS for Atlantic HMS reporting. Logbook reports must include entries regarding the vessel's fishing effort, the number of fish caught, and the disposition of the catch. A complete electronic logbook report must be submitted after each trip (including tournament trips), regardless of whether the vessel was targeting HMS, according to the timing described below:

(i) The owner of a vessel that has been issued or should have been issued an Atlantic Tunas Longline category permit (see § 635.4(d)), shark directed LAP (see § 635.4(e)), shark incidental LAP (see § 635.4(e)), swordfish directed LAP (see § 635.4(f)), swordfish incidental LAP (see § 635.4(f)), or swordfish handgear LAP (see § 635.4(f)) must submit an electronic logbook report within 7 days of offloading all Atlantic HMS. If no fishing occurred during a calendar month, the vessel owner must submit an electronic no-fishing report no later than 7 days after the end of that month.

(ii) The owner of a vessel that has been issued or should have been issued an Atlantic Tunas General category permit (see § 635.4(d)), Atlantic Tunas Harpoon category permit (see § 635.4(d)), Swordfish General Commercial permit (see § 635.4(f)), or HMS Charter/Headboat permit (see § 635.4(b)) must submit an electronic logbook report within 24 hours of the end of the trip (including tournament trips). If no fishing occurred during a calendar month, the vessel owner must submit an electronic no-fishing report no later than 7 days after the end of that month.

(3) *Cost-earnings portion of the logbook.* The following requirements regarding the cost-earnings portion of the logbook(s) apply to the owner of a vessel that reports under paragraphs (a)(2)(i) or (ii) of this section:

(i) If an owner of a vessel issued a LAP is selected in writing by NMFS to complete the cost-earnings portion of the logbook, for each trip fishing for Atlantic HMS during that calendar year, the vessel owner must submit the cost-earnings portion according to the timing specified under paragraph (a)(2)(i) of this section. The vessel owner must also

submit the Atlantic Highly Migratory Species Annual Expenditures form(s) no later than the date specified on the form of the following year.

(ii) Owners of vessels issued commercial open access permits or HMS Charter/Headboat permits that report under paragraph (a)(2)(ii) of this section must complete the cost-earnings portion of the logbook and submit the logbook according to the timing specified under paragraph (a)(2)(ii) of this section.

(iii) If an owner of a vessel issued a commercial open access permit or HMS Charter/Headboat permit is selected in writing by NMFS to complete the Annual Expenditures form, the form must be submitted no later than the date specified on the form of the following year.

(4) *Weightout slips.* The owner of a vessel that reports under paragraph (a)(2)(i) of this section must submit electronically, along with the electronic logbook report, a weightout slip for all Atlantic HMS sold. Each weightout slip must report the dealer to whom the fish were transferred and the date they were transferred. Each weightout slip must also report the carcass weight of each BFT, BAYS tuna, and swordfish, and shark listed under heading C of Table 1 of appendix A to this part. For sharks listed under headings A and B of Table 1 of appendix A to this part, the weightout slip must report either total weights by species and market category, or carcass weights of each shark.

(5) *BFT landed by a commercial vessel and not sold.* If a person who catches and lands a large medium or giant BFT from a vessel issued a permit in any of the commercial categories for Atlantic tunas does not sell or otherwise transfer the BFT to a dealer who has a dealer permit for Atlantic tunas, the person must contact a NMFS enforcement agent, as instructed by NMFS, immediately upon landing such BFT, provide the information needed for the reports required under paragraph (b)(2)(i) of this section, and, if requested, make the tuna available so that a NMFS enforcement agent or authorized officer may inspect the fish and attach a tag to it. Alternatively, such reporting requirement may be fulfilled if a dealer who has a dealer permit for Atlantic tunas affixes a dealer tag as required under paragraph (b)(2)(ii) of this section and reports the BFT as being landed but not sold on the reports required under paragraph (b)(2)(i) of this section. If a vessel is placed on a trailer, the person must contact a NMFS enforcement agent, or the BFT must have a dealer tag affixed to it by a permitted Atlantic tunas dealer, immediately upon the

vessel being removed from the water. All BFT landed but not sold will be accounted against the quota category according to the permit category of the vessel from which it was landed.

(6) *VMS and IBQ requirements.* In addition to the reporting requirements described in this section, the owners or operators of vessels are subject to applicable VMS reporting requirements under § 635.69, and IBQ Program requirements under § 635.15.

(b) *Dealers.* Persons who have been issued a dealer permit under § 635.4 must report as follows:

(1) *Requirements for Atlantic HMS other than BFT.* (i) Dealers that have been issued or should have been issued a Federal dealer permit under § 635.4 and who first receive BAYS, swordfish, and/or sharks must submit to NMFS all reports required under this section within the timeframe specified under paragraph (b)(1)(ii) of this section. BAYS, swordfish, and sharks commercially harvested by a vessel can only be first received by dealers that have been issued or should have been issued an Atlantic tunas, swordfish, and/or shark dealer permit under § 635.4. All reports must be species-specific and must include the required information about all BAYS, swordfish, and sharks received by the dealer, including the required vessel information, regardless of where the fish were harvested or whether the harvesting vessel is permitted under § 635.4. For BAYS, swordfish, and pelagic sharks (under heading C of table 1 of appendix A to this part), the report must specify the weight of each carcass. For other shark species (under headings A, B, and E of table 1 of appendix A to this part), the report must include either total weights by species and market category, or carcass weights of each shark. The dealer must inspect the vessel's permit to verify that it is a commercial category, that the required vessel name and vessel number (*i.e.*, U.S. Coast Guard documentation or State registration) as listed on the permit are correctly recorded in the dealer report, and that the vessel permit has not expired. Dealers are also required to submit "negative" reports, as specified under paragraph (b)(1)(ii) of this section. As stated in § 635.4(a)(6), failure to comply with these recordkeeping and reporting requirements may result in existing dealer permit(s) being revoked, suspended, or modified, and in the denial of any permit applications.

(ii) Reports of any BAYS, sharks, and/or swordfish first received by dealers from a vessel must be submitted on a weekly basis through an electronic system/application approved by NMFS

for Atlantic HMS reporting. Each report must be received by NMFS no later than 0000, local time, of the first Tuesday following the end of the reporting week unless the dealer is otherwise notified by NMFS. Reports of BAYS, sharks, and/or swordfish may be modified for not more than 120 days from when the dealer report is submitted to NMFS. If the dealer did not first receive any species during the reporting week, the dealer must submit a negative report through an electronic system/application approved by NMFS for Atlantic HMS reporting indicating no receipt of any species. This negative report must be received by NMFS no later than 0000, local time, of the first Tuesday following the end of the reporting week unless the dealer is otherwise notified by NMFS.

(iii) Atlantic HMS dealers are not authorized to first receive Atlantic swordfish, sharks, and/or BAYS if the required reports have not been submitted and received by NMFS according to reporting requirements under this section. Delinquent reports automatically result in an Atlantic HMS dealer becoming ineligible to first receive Atlantic swordfish, sharks, and/or BAYS. Atlantic HMS dealers who become ineligible to first receive Atlantic swordfish, sharks, and/or BAYS due to delinquent reports are authorized to first receive Atlantic swordfish, sharks, and/or BAYS only once all required and delinquent reports have been completed, submitted by the dealer, and received by NMFS.

(2) *Requirements for BFT.* (i) *Landing reports.* Each dealer with a valid Atlantic tunas dealer permit issued under § 635.4 must submit an electronic landing report to NMFS for each BFT received from a U.S. fishing vessel. Such reports must be submitted as instructed by NMFS not later than 24 hours after receipt of the BFT. Landing reports must include the name and permit number of the vessel that landed the BFT and other information regarding the catch as instructed by NMFS. When purchasing BFT from eligible IBQ Program participants, permitted Atlantic tunas dealers must enter landing reports into the Catch Shares Online System established under § 635.15, not later than 24 hours after receipt of the BFT. The dealer must inspect the vessel's permit to verify that it is a commercial category, that the required vessel name and vessel number (*i.e.*, U.S. Coast Guard documentation or State registration) as listed on the permit are correctly recorded in the landing report, and that the vessel permit has not expired.

(ii) *Dealer tags.* NMFS will issue numbered dealer tags to each dealer issued an Atlantic tunas dealer permit under § 635.4. A dealer tag is not transferable and is usable only by the dealer to whom it is issued. Dealer tags may not be reused once affixed to a tuna or recorded on a package, container, or report.

(A) *Affixing dealer tags.* A dealer or a dealer's agent must affix a dealer tag to each BFT purchased or first received from a U.S. vessel immediately upon offloading the BFT. A dealer's agent is a person who is currently employed by a place of business covered by the dealer's permit; is a primary participant in the identification, weighing, and/or first receipt of fish as they are received; and fills out dealer reports as required under § 635.5. If a vessel is placed on a trailer, the dealer or dealer's agent must affix the dealer tag to the BFT immediately upon the vessel being removed from the water. The dealer tag must be affixed to the BFT between the fifth dorsal finlet and the caudal keel. Regardless of when the BFT was landed, on an RFD (as specified at § 635.23(a)), no dealer or dealer's agent shall purchase, first receive, or affix a dealer tag to a BFT that is on or from a vessel that has an Atlantic Tunas General category permit or HMS Charter/Headboat permit with a commercial sale endorsement.

(B) *Removal of dealer tags.* A dealer tag affixed to any BFT under paragraph (b)(2)(ii)(A) of this section or a BSD tag affixed to an imported BFT must remain on the fish until it is cut into portions. If the BFT or BFT parts subsequently are packaged for transport for domestic commercial use or for export, the number of the dealer tag or the BSD tag must be written legibly and indelibly on the outside of any package containing the tuna. Such tag number also must be recorded on any document accompanying the shipment of BFT for commercial use or export.

(iii) *Reporting in the IBQ Program.* Dealers must comply with dealer requirements related to the IBQ Program under § 635.15(f)(3)(iii).

(3) *Recordkeeping.* Dealers must retain at their place of business a copy of each report required under paragraphs (b)(1) and (b)(2) of this section for a period of 2 years from the date on which each report was required to be submitted.

(c) *Vessel owners with HMS Angling permits.* All BFT, billfish, and North Atlantic swordfish non-tournament landings must be reported as specified under paragraphs (c)(1) or (c)(2) of this section, unless an alternative recreational catch reporting system has

been established as specified under paragraph (c)(3) of this section. Landing reports submitted to NMFS are not complete unless the vessel owner, or the owner's designee, has received a confirmation number or a unique identifier for the report (e.g., a vessel trip report number) generated by the reporting system. Tournament landings of all HMS must be reported as specified under paragraph (d) of this section.

(1) *Bluefin tuna*. The owner of a vessel issued or required to be issued an HMS Angling permit under § 635.4 must report the catch of all BFT discarded dead and/or retained under the Angling category quota designated at § 635.27(a) through an electronic system/application approved by NMFS for Atlantic HMS reporting within 24 hours of the landing.

(2) *Billfish and swordfish*. The owner of a vessel issued or required to be issued an HMS Angling permit must report all non-tournament landings of Atlantic blue marlin, Atlantic white marlin, roundscale spearfish, Atlantic sailfish, and North Atlantic swordfish to NMFS through an electronic system/application approved by NMFS for Atlantic HMS reporting within 24 hours of that landing.

(3) *Alternative recreational catch reporting*. As an alternative to the reporting requirements in paragraphs (c)(1) and (2) of this section, recreational catch reporting procedures may be established by NMFS with cooperation from States which may include such methodologies as telephone, dockside or mail surveys, mail in or phone-in reports, electronic reporting, tagging programs, catch cards, or mandatory check-in stations. A census or a statistical sample of persons fishing under the recreational fishing regulations of this part may be used for these alternative reporting programs (after the programs have received Paperwork Reduction Act approval from OMB). Persons or vessel owners selected for reporting will be notified by NMFS or by the cooperating State agency of the requirements and procedures for reporting recreational catch. Each person so notified must comply with those requirements and procedures. Additionally, NMFS may determine that recreational landing reporting systems implemented by the States, if mandatory, at least as restrictive, and effectively enforced, are sufficient for recreational landing monitoring as required under this part. In such case, NMFS will file with the Office of the Federal Register for publication notification indicating that compliance with the State system

satisfies the reporting requirements of paragraph (c) of this section.

* * * * *

■ 4. In § 635.15, revise paragraph (f)(3)(iii) to read as follows:

§ 635.15 Individual bluefin tuna quotas (IBQs).

* * * * *

(f) * * *

(3) * * *

(iii) *End-of-year IBQ transactions by dealers*. Federal Atlantic tunas dealer permit holders must comply with reporting requirements at § 635.5(b)(2)(i). No IBQ transactions will be processed between 6 p.m. eastern time on December 31 and 2 p.m. Eastern Time on January 1 of each year to provide NMFS time to reconcile IBQ accounts and update IBQ shares and allocations for the upcoming fishing year.

* * * * *

■ 5. In § 635.30, revise paragraph (c)(3) to read as follows:

§ 635.30 Possession at sea and landing.

* * * * *

(c) * * *

(3) Once landed and offloaded, sharks that have been halved, quartered, filleted, cut up, or reduced in any manner may not be brought back on board a vessel that has been or should have been issued a Federal Atlantic commercial shark permit.

* * * * *

■ 6. In § 635.31, revise paragraphs (a)(1), (a)(2)(ii), (c)(4), and (d)(2) to read as follows:

§ 635.31 Restrictions on sale and purchase.

(a) * * *

(1) A person who owns or operates a vessel from which an Atlantic tuna is landed or offloaded may sell such Atlantic tuna only if that vessel has a valid HMS Charter/Headboat permit with a commercial sale endorsement; a valid Atlantic Tunas General, Harpoon, Longline, or Trap category permit; or a valid HMS Commercial Caribbean Small Boat permit issued under this part and the appropriate category has not been closed as specified at § 635.28(a). No person may sell a BFT smaller than the large medium size class. No large medium or giant BFT may be sold if caught by a person aboard a vessel with an Atlantic HMS Charter/Headboat permit fishing in the Gulf of Mexico at any time or outside the Gulf of Mexico when the General category fishery has been closed (see § 635.23(c)). A person may sell Atlantic BFT only to a dealer that has a valid permit for purchasing Atlantic tunas issued under this part. A

person may not sell or purchase Atlantic tunas harvested with speargun fishing gear. A person issued an Atlantic Tunas General category permit or HMS Charter/Headboat permit with a commercial sale endorsement must land, sell or transfer a BFT to a dealer that has a valid permit for purchasing Atlantic tunas no later than 0000 local time the day prior to an RFD, as specified at § 635.23(a). If that person is unable to sell or otherwise transfer the BFT to a dealer who has a dealer permit for Atlantic tunas no later than 0000 local time, the person must follow the restrictions applicable to landed but not sold BFT specified at § 635.5(a)(5). In no case shall such person possess a BFT on an RFD.

(2) * * *

(ii) Dealers may first receive BAYS tunas only if they have submitted reports to NMFS according to reporting requirements at § 635.5(b)(1)(i) and (ii), and only from a vessel that has a valid Federal commercial permit for Atlantic tunas issued under this part in the appropriate category. Vessel owners and operators of vessels that have been issued an Atlantic Tunas Longline category permit can sell BAYS tunas and dealers can purchase BAYS tunas from such vessels only if the Longline category is open per § 635.28(a). Individuals issued a valid HMS Commercial Caribbean Small Boat permit and operating in the U.S. Caribbean as defined at § 622.2 of this chapter, may sell their trip limits of BAYS tunas, codified at § 635.24(c), to dealers and non-dealers. Persons may only sell albacore tuna and dealers may only first receive albacore tuna if the northern albacore tuna fishery has not been closed as specified at § 635.28(d).

* * * * *

(c) * * *

(4) Only dealers who have a valid Federal Atlantic shark dealer permit and who have submitted reports to NMFS according to reporting requirements of § 635.5(b)(1)(i) and (ii) may first receive a shark from an owner or operator of a vessel that has, or is required to have, a valid Federal Atlantic commercial shark permit issued under this part. Dealers may purchase a shark only from an owner or operator of a vessel who has a valid commercial shark permit issued under this part, except that dealers may purchase a shark from an owner or operator of a vessel who does not have a Federal Atlantic commercial shark permit if that vessel fishes exclusively in State waters and does not possess a HMS Angling permit or HMS Charter/Headboat permit pursuant to § 635.4. Atlantic shark dealers may

purchase a sandbar shark only from an owner or operator of a vessel who has a valid shark research permit and who had a NMFS-approved observer onboard the vessel for the trip in which the sandbar shark was collected. Atlantic shark dealers may purchase a shark from an owner or operator of a fishing vessel who has a valid commercial shark permit issued under this part only when the fishery for that species, management group, region, and/or sub-region has not been closed, as specified in § 635.28(b). Atlantic shark dealers may first receive a shark from a vessel that has pelagic longline gear onboard only if the Atlantic Tunas Longline category has not been closed, as specified in § 635.28(a).

* * * * *

(d) * * *

(2) Atlantic swordfish dealers may first receive a swordfish harvested from the Atlantic Ocean only from an owner or operator of a fishing vessel that has a valid commercial permit for swordfish issued under this part, and only if the dealer has submitted reports to NMFS according to reporting requirements of § 635.5(b)(1)(i) and (ii). Atlantic swordfish dealers may first receive a swordfish from a vessel that has pelagic longline gear onboard only if the Atlantic Tunas Longline category has not been closed, as specified in § 635.28(a)(3).

■ 7. In § 635.32, revise paragraph (e) to read as follows:

§ 635.32 Specifically authorized activities.

* * * * *

(e) *Chartering arrangements and permits*—(1) *Chartering arrangements.*

(i) For the purposes of this section, a chartering arrangement means any contract, agreement, or commitment between a U.S. vessel owner and a foreign entity (e.g., government, company, person) by which the control, use, possession, or services of a vessel are secured, for a period of time for fishing targeting Atlantic HMS. Chartering arrangements under this part do not include bareboat charters under which a vessel enters into a fishing agreement with a foreign entity, changes registration to fish under another country's registration then, once the agreed-upon fishing is completed, reverts back to the vessel's original registration.

(ii) Before fishing under a chartering arrangement, the owner of a fishing vessel subject to U.S. jurisdiction must apply for, and obtain, a chartering permit as specified in paragraphs (e)(2) and (g) of this section. If a chartering permit is obtained, the vessel owner must submit catch information as

specified in the terms and conditions of that permit. All catches will be recorded and counted against the applicable quota of the Contracting Party to which the chartering foreign entity is a member and, unless otherwise provided in the chartering permit, must be offloaded in the ports of the chartering foreign entity or offloaded under the direct supervision of the chartering foreign entity.

(iii) If the chartering arrangement terminates before the expiration of the charter permit, the vessel owner must notify NMFS immediately and in writing, upon termination of the chartering arrangement. Such notification requirements shall also apply to situations where the chartering arrangement is temporarily suspended and during intermittent periods where the vessel may be fishing under U.S. quotas for Atlantic HMS.

(2) *Chartering permits.* (i) For activities consistent with the purposes of this section, and § 600.745(b)(1) of this chapter, NMFS may issue chartering permits for recordkeeping and reporting purposes. An application for a chartering permit must include all information required under § 600.745(b)(2) of this chapter and, in addition, written notification of: the species of fish covered by the chartering arrangement and quota allocated to the Contracting Party of which the chartering foreign entity is a member; duration of the arrangement; measures adopted by the chartering Contracting Party of which the foreign entity is a member to implement ICCAT chartering provisions; copies of fishing licenses, permits, and/or other authorizations issued by the chartering Contracting Party of which the foreign entity is a member for the vessel to fish under the arrangement; a copy of the High Seas Fishing Compliance Act Permit pursuant to 50 CFR part 300, subpart R; documentation regarding interactions with protected resources; and documentation regarding the legal establishment of the chartering company. To be considered complete, an application for a chartering permit for a vessel must include all information specified in § 600.745(b)(2) of this chapter, and in paragraphs (e)(2) and (g) of this section.

(ii) Notwithstanding the provisions of § 600.745 of this chapter and other provisions of this part, a valid chartering permit is required to fish for, take, retain, or possess ICCAT-regulated species under chartering arrangements as specified in paragraph (e)(1) of this section. A valid chartering permit must be on board the harvesting vessel, must be available when ICCAT-regulated

species are landed, and must be presented for inspection upon request of an authorized officer. A chartering permit is valid for the duration of the chartering arrangement or until the expiration date specified on the permit, whichever comes first. Vessels issued a chartering permit shall not be authorized to fish under applicable Atlantic HMS quotas or entitlements of the United States until the chartering permit expires or is terminated.

(iii) Charter permit holders must submit logbooks and comply with reporting requirements as specified in § 635.5. NMFS will provide specific conditions and requirements in the chartering permit, so as to ensure consistency, to the extent possible, with laws of foreign countries, the 2006 Consolidated HMS FMP and its amendments, as well as ICCAT recommendations.

(iv) Observers may be placed on board vessels issued chartering permits as specified under § 635.7.

(v) NMFS will issue a chartering permit only if it determines that the chartering arrangement is in conformance with ICCAT's conservation and management programs.

(vi) A vessel shall be authorized to fish under only one chartering arrangement at a time.

(vii) All chartering permits are subject to sanctions and denials as indicated under § 635.4(a)(6).

* * * * *

■ 8. In § 635.71, revise paragraphs (a)(25), (41), (42), (43), and (44), (b)(5), (6), (26), (27), (28), (29), (42), and (45), (c)(6), and (e)(15) to read as follows:

§ 635.71 Prohibitions.

* * * * *

(a) * * *

(25) Dispose of fish or parts thereof or other matter in any manner, as specified in § 635.5, after any communication or signal from an authorized officer, or after the approach of an authorized officer.

* * * * *

(41) Fail to immediately notify NMFS upon the termination of a chartering arrangement as specified in § 635.32(e).

(42) Count chartering arrangement catches against quotas other than those defined as the Contracting Party of which the chartering foreign entity is a member as specified in § 635.32(e).

(43) Fail to submit catch information regarding fishing activities conducted under a chartering arrangement with a foreign entity, as specified in § 635.32(e).

(44) Offload charter arrangement catch in ports other than ports of the

chartering Contracting Party of which the foreign entity is a member or offload catch without the direct supervision of the chartering foreign entity as specified in § 635.32(e).

* * * * *

(b) * * *

(5) Fail to report a large medium or giant BFT that is not sold, as specified in § 635.5(a)(5), or fail to report a BFT that is sold through the logbook requirement specified in § 635.5(a)(2).

(6) As the owner of a vessel issued or required to be issued an HMS Angling permit, fail to report a BFT, as specified in § 635.5(c)(1) or (c)(3).

* * * * *

(26) For any person to refuse to provide information requested by NMFS personnel or anyone collecting information for NMFS, under an agreement or contract, relating to the scientific monitoring or management of Atlantic tunas, as specified in § 635.5.

(27) Possess a large medium or giant BFT, after it has been landed, that does

not have a dealer tag affixed to it as specified in § 635.5(b)(2), unless the BFT is not to be sold and has been reported per the requirements specified in §§ 635.5(a)(5) or 635.5(c).

(28) Participate in any HMS recreational fishing activity aboard a vessel issued an Atlantic Tunas General category permit unless, as specified at § 635.4(c)(2) and (3), the vessel has registered and paid an entry fee to, and is fishing under the rules of, a recreational HMS fishing tournament registered as required under § 635.5(d).

(29) As a dealer or dealer's agent, purchase, first receive, or affix a dealer tag to a BFT that is on or from a vessel that has been issued an Atlantic Tunas General category permit or HMS Charter/Headboat permit with a commercial sale endorsement, as specified in § 635.5(b)(2), after 0000 local time on an RFD.

* * * * *

(42) Fail to report all dead discards or landings of BFT through an electronic

system/application approved by NMFS for Atlantic HMS reporting within 24 hours of the end of the trip as specified at § 635.5(a)(2).

* * * * *

(45) Fail to comply with landing report requirements, as specified under § 635.5(b)(2).

* * * * *

(c) * * *

(6) As the owner of a vessel issued or required to be issued an HMS Angling permit, fail to report a billfish, as specified in § 635.5(c)(2) or (c)(3).

* * * * *

(e) * * *

(15) As the owner of a vessel issued or required to be issued an HMS Angling permit, fail to report a North Atlantic swordfish, as specified in § 635.5(c)(2) or (c)(3).

* * * * *

[FR Doc. 2024-19892 Filed 9-5-24; 8:45 am]

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Notices

Federal Register

Vol. 89, No. 173

Friday, September 6, 2024

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

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Rural Business-Cooperative Service

Rural Utilities Service

[DOCKET NO: RUS-24-AGENCY-0009]

Privacy Act of 1974; System of Records

AGENCY: Rural Housing Service, Rural Business-Cooperative Service, and Rural Utilities Service, USDA.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974 as amended, the U.S. Department of Agriculture's (USDA), Rural Development (RD) gives notice of its proposal to modify the system of records entitled USDA/RD-1 Current or Prospective Producers or Landowners, Applicants, Borrowers, Grantees, Tenants, and other Participants in RD programs, to communicate the addition of Routine Use 27 published below. In addition, updates were made to the System Location, Authority to Maintenance of the System, Policies and Practices for Retention and Disposal of Records, and to the Record Act Procedures.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this notice is applicable upon publication, subject to a 30-day notice and comment period in which to comment on the routine uses described in the "Routine Uses of Records Maintained in the System" section of this system of records notice. Please submit any comments by October 7, 2024.

ADDRESSES: Comments may be sent by the Federal eRulemaking Portal: Go to regulations.gov and, in the "Search for dockets and documents on agency actions" box, type in the Docket No.

RUS-24-AGENCY-0009 and click the "Search" button. From the search results, click on or locate the document title and select the "Comment" button. Before inputting comments, commenters may review the "Commenter's Checklist" (optional). Insert comments under the "Comment" title, click "Browse" to attach files (if available), input email address and 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 received will be posted without change and be available for public inspection online at *regulations.gov*.

FOR FURTHER INFORMATION CONTACT: For general questions, please contact: Therese McGhie, USDA Privacy Team, Cybersecurity and Privacy Operations Center, Office of the Chief Information Officer, Department of Agriculture, 1400 Independence Ave. SW, Washington, DC 20250, Phone: (202) 720-2791, option 3; Email: RDprivacy@usda.gov.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974, as amended (5 U.S.C. 552a), requires agencies to publish in the **Federal Register** notice of new or revised systems of records maintained by the agency. In accordance with the Office of Management and Budget (OMB) Circular A-130, RD of the USDA is proposing to revise an existing Privacy Act system of records, which was last published in full on May 14, 2019 (84 FR 21315).

The agency proposes to revise USDA/RD-1 by:

- (a) Adding Routine Use 27 to account for a new computer matching agreement among USDA/RD, the U.S. Social Security Administration, and the U.S. Department of Health and Human Services. Routine Use 27 will apply to records already identified in USDA/RD-1;
- (b) Updating the System Location;
- (c) Updated the Authority for Maintenance of System; and
- (d) Updating the Policies and Practices for Retention and Disposal of Records.

SYSTEM NAME AND NUMBER:

USDA/RD-1 Current or Prospective Producers or Landowners, Applicants,

Borrowers, Grantees, Tenants, and other participants in RD programs.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are located at USDA RD, Suite 1701, 211 North Broadway, St. Louis, MO 63102 and DISC Enterprise Data Center, 8930 Ward Parkway Blvd., Kansas City, MO.

SYSTEM MANAGER(S):

The Community Development Manager at the Local Office; the RD Manager at the Area Office; and the State Director at the State Office; the Deputy Chief Financial Officer in St. Louis, MO; and the respective Administrators in the National Office at the following addresses: Administrator, Rural Housing Service, USDA, 1400 Independence Avenue SW, Room 5014A, South Building, Stop 0701, Washington, DC 20250-0701; Administrator, Rural Business-Cooperative Service, USDA, 1400 Independence Ave. SW, Rm. 5803, Stop 3201, Washington, DC 20250-3201; Administrator, Rural Utilities Service,—USDA 1400 Independence Ave. SW, Rm. 4121, Stop 1510, Washington, DC 20250-1510. Contact information can be found at rd.usda.gov.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Consolidated Farm and Rural Development Act of 1972, as amended; Section 12204 of the Agricultural Act of 2014 (Pub. L. 113-79); Agricultural Credit of 1961 & Consolidated Farm and Rural Development Act (7 U.S.C. 1921 *et seq.*); Housing Act of 1949 (42 U.S.C. 1471 *et seq.*); section 901 of the Food Conservation, and Energy Act of 2008 (Pub. L. 110-246); Rural Electrification and Telephone Service (7 U.S.C. 901 *et seq.*); and Agriculture Improvement Act of 2018 (Pub. L. 115-334), as amended.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is for Rural Development (RD) to maintain information that is used for current or prospective producers or landowners, applicants, borrowers, grantees, tenants, and other participants in RD programs designed to help improve the economy and quality of life in rural America.

These financial systems support such essential public facilities and service as water and sewer systems, housing,

health clinics, emergency service facilities, and electric and telephone services. Additionally, RD systems and feeder applications promote economic development by supporting loans to businesses through banks, credit unions, and community-managed lending pools. The suite of RD systems covered by this system of records is developed and maintained by the Chief Information Officer, Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or prospective producers or landowners, applicants, borrowers, grantees, tenants, and their respective household members, including members of associations and other participants in RD programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include individual's social security or employer identification number, bank routing and account numbers; and their respective household members' characteristics, such as gross and net income, sources of income, capital, assets and liabilities, net worth, age, race, number of dependents, marital status, reference material, farm or ranch operating plans, and property appraisal. The system also tracks credit reports and personal references from credit agencies, lenders, businesses, and individuals. In addition, a running record of observation concerning the operations of the person being financed is included. A record of deposits to and withdrawals from an individual's supervised bank account is also contained in those files where appropriate. In some local offices, this record is maintained in a separate folder containing only information relating to activity within supervised bank accounts. Some items of information are extracted from the individual's file and placed in a card file for quick reference.

RECORD SOURCE CATEGORIES:

Information in this system comes primarily from credit reports. Personal references come primarily from current or prospective producers or landowners, applicants, borrowers, grantees, tenant, credit agencies, and creditors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, records contained in this system may be disclosed outside USDA as a routine use pursuant to 5 U.S.C. a(b)(3) to the extent that such uses are compatible with the purpose for which the information was collected as follows:

1. When a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, disclosure may be made to the appropriate agency, whether Federal, foreign, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

2. To a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained.

3. RD will provide information from these systems to the U.S. Department of the Treasury and to other Federal agencies maintaining debt servicing centers, in connection with overdue debts, in order to participate in the Treasury's Offset Program as required by the Debt Collection Improvements Act, Public Law 104-134, section 31001.

4. Disclosure to RD of name, home addresses, and information concerning default on loan repayment when the default involves a security interest in tribal allotted or trust land. Pursuant to the Cranston-Gonzales National Affordable Housing Act of 1990 (42 U.S.C. 12701 *et seq.*), liquidation may be pursued only after offering to transfer the account to an eligible tribal member, the tribe, or the Indian housing authority serving the tribe(s).

5. Disclosure of names, home addresses, social security numbers, and financial information to a collection or servicing contractor, financial institution, or a local, state, or Federal agency, when RD determines such referral is appropriate for servicing or collecting the borrower's account or as provided for in contracts with servicing or collection agencies.

6. To a court or adjudicative body in a proceeding when: (a) The agency or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or (d) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are

both relevant and necessary to the litigation and the use of such records is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.

7. Disclosure of names, home addresses, and financial information for selected borrowers to financial consultants, advisors, lending institutions, packagers, agents, and private or commercial credit sources, when RD determines such referral is appropriate to encourage the borrower to refinance his RD indebtedness as required by Title V of the Housing Act of 1949, as amended (42 U.S.C. 1471), or to assist the borrower in the sale of the property.

8. Disclosure of legally enforceable debts to the Department of the Treasury, Internal Revenue Service (IRS), to be offset against any tax refund that may become due the debtor for the tax year in which the referral is made, in accordance with the IRS regulations at 26 CFR 301.6402-6T, Offset of Past Due Legally Enforceable Debt Against Overpayment, and under the authority contained in 31 U.S.C. 3720A.

9. Disclosure of information regarding indebtedness to the Defense Manpower Data Center, Department of Defense, and the United States Postal Service for the purpose of conducting computer matching programs to identify and locate individuals receiving Federal salary or benefit payments and who are delinquent in their repayment of debts owed to the U.S. Government under certain programs administered by RD in order to collect debts under the provisions of the Debt Collection Act of 1982 (5 U.S.C. 5514) by voluntary repayment, administrative or salary offset procedures, or by collection agencies.

10. Disclosure of names, home addresses, and financial information to lending institutions when RD determines the individual may be financially capable of qualifying for credit with or without a guarantee.

11. Disclosure of names, home addresses, social security numbers, and financial information to lending institutions that have a lien against the same property as RD for the purpose of the collection of the debt. These loans may be under the direct and guaranteed loan programs.

12. Disclosure to private attorneys under contract with either RD or with the Department of Justice for the purpose of foreclosure and possession actions and collection of past due accounts in connection with RD.

13. To the Department of Justice when: (a) The agency or any component

thereof; or (b) any employee of the agency in his or her official capacity where the Department of Justice has agreed to represent the employee; or (c) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records by the Department of Justice is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.

14. Disclosure of names, home addresses, social security numbers, and financial information to the Department of Housing and Urban Development for the purpose of evaluating a loan applicant's creditworthiness, information that will allow for the pre-screening of applicants through the Credit Alert Verification Reporting System (CAIVRS) computer matching program. An applicant shall be pre-screened for any debts owed or loans guaranteed by the Federal government to ascertain if the applicant is delinquent in paying a debt owed to or insured by the Federal government.

Authorized employees of, and approved private lenders acting on behalf of, the Federal agencies participating in the CAIVRS computer matching program will be able to search the CAIVRS database.

15. Disclosure of names, home addresses, social security numbers, and financial information to the Department of Labor, State Wage Information Collection Agencies, and other Federal, State, and local agencies, as well as those responsible for verifying information furnished to qualify for Federal benefits, to conduct wage and benefit matching through manual and/or automated means, for the purpose of determining compliance with Federal regulations and appropriate servicing actions against those not entitled to program benefits, including possible recovery of improper benefits.

16. Disclosure of names, home addresses, and financial information to financial consultants, advisors, or underwriters, when RD determines such referral is appropriate for developing packaging and marketing strategies involving the sale of RD loan assets.

17. Disclosure of names, home and work addresses, home telephone numbers, social security numbers, and financial information to escrow agents (which also could include attorneys and title companies) selected by the applicant or borrower for the purpose of closing the loan.

18. Disclosure to Health and Human Services (HHS) parent locator system for finding parents who do not pay child support: The name and current address of record of an individual may be disclosed from this system of records to the parent locator service of the Department of HHS or authorized persons defined by Public Law 93-647, 42 U.S.C. 653.

19. To agency contractors, grantees, experts, consultants or volunteers who have been engaged by the agency to assist in the performance of a service related to this system of records and who need to have access to the records to perform the activity. Recipients shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

20. Disclosure to customer service agents for training and evaluation purposes. Information is collected during calls made by the client to the CSC Customer Service Section to discuss questions or concerns pertaining to their mortgage account(s) with RD. The information discussed during the call to the CSC help desk is captured and used for training and evaluation purposes to ensure proper procedures are being followed and accurate information is provided when assisting the client.

21. To appropriate agencies, entities, and persons when (1) RD suspects or has confirmed that there has been a breach of the system of records, (2) RD has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, RD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with RD efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm" suspected or confirmed compromise and prevent, minimize, or remedy such harm.

22. To another Federal agency or Federal entity, when RD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

23. To comply with Federal Funding Accountability and Transparency Act (FFATA) and similar statutory requirements for public disclosure in situations where records reflect loans, grants, or other payments to members of the public: USDA will disclose information about individuals from this system of records in accordance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282; codified at 31 U.S.C. 6101, *et seq.*); section 204 of the E-Government Act of 2002 (Pub. L. 107-347; 44 U.S.C. 3501 note), and the Office of Federal Procurement Policy Act (41 U.S.C. 403 *et seq.*), or similar statutes requiring agencies to make available publicly information concerning Federal financial assistance, including grants, sub grants, loan awards, cooperative agreements and other financial assistance; and contracts, subcontracts, purchase orders, task orders, and delivery orders.

24. To the National Archives and Records Administration for to the National Archives and Records Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

25. To the Department of the Treasury for the purpose of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a State in a State-administered, federally funded program, information that will allow for pre-payment eligibility review of a loan applicant through the Do Not Pay computer matching program. Authorized employees of, and approved private lenders acting on behalf of, the Federal agencies participating in the Do Not Pay computer matching program will be able to search the Do Not Pay database. The disclosure may include applicant's name, home address, Social Security Number, income/financial data, date of birth, personal telephone number, and personal email address.

26. To financial institutions (including government sponsored enterprises), Federal agencies, and other entities for the purposes of enhancing program operations and performance through automated underwriting, credit scoring and risk management.

27. Disclose information pursuant to the Computer Matching Agreements with the Social Security Administration (SSA) and with Department of Health and Human Services (HHS) for the purpose of identification and income verification and compliance with Title II, Title XVI, Improper Payment Information Act.

Explanatory Text: Verification will assist USDA RD to assess eligibility for the Rental Assistance, Single Family Direct, and Voucher programs; and to certify compliance with the Improper Payment Information Act by reducing improper payments and unauthorized assistance. The matching agreements will provide USDA RD with an indicator of whether participants have reported complete and accurate income.

Disclosure to Consumer Reporting Agencies: Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in file folders at the local, area, state, and national offices. All records are converted to electronic format and stored on a USDA managed certified and accredited storage repository. Once agency employees convert the paper documents to digital records, verify that the digital record is readable and successfully ported to the imaging repository the manual documents are destroyed in compliance with RD regulation (shredding). Other program imaging repositories are utilized to allow multi-point access to electronic records, but the manual documents are retained securely in the local office until such time as the account is considered closed per Rural Development Regulation 2033–A. At that time, the documents/case files are destroyed in a manner as outlined in RD regulation. If the office cannot accommodate proper, manual file retention standards (inadequate space to secure and house documents/files that require retention), inactive documents/case files (*i.e.*, charge-offs, pay-offs, denials, withdrawn) can be retired to the Federal Records Center. Any records shipped to the Center for retention must be clearly inventoried and marked with a destroy-by date. The destroy date is determined by the record type after it is closed (*e.g.*, loss to the government retention is 7 years after case is closed). The retention schedule can be found at RD 2033–A and the Operational Records Manual. For further information contact the RD Records Officer. If closed/inactive files are retained at the local office until such time as they are eligible for destruction, they are stored in a secured location.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are indexed by name, identification number, and type of loan or grant. Data may be retrieved from the paper records or the electronic storage. All RD state and field offices as well as the financial office and the Customer Service Center (CSC) have the telecommunications capability available to access this subset of data.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained in accordance with the General Records Schedule and/or Agency Controlled Records Schedule. Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 33), and as amended in accordance with RD disposal schedules. The local, area, state, and national offices dispose of records by shredding, burning, or other suitable disposal methods after established retention periods have been fulfilled. (Destruction methods may never compromise the confidentiality of information contained in the records.) Applications, including credit reports and personal references, which are rejected, withdrawn, or otherwise terminated are kept in the local, area, or state offices in accordance with approved records schedules. Correspondence records at the National Office, which concern borrowers and applicants, are retained for seven full fiscal years.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Paper records are kept in locked offices at the Local, Area, State, and National Offices. For electronic records and an online retrieval system at the Finance Office access is restricted to authorize Rural Development personnel. A system of operator and terminal passwords and code numbers is used to restrict access to the online system.

Passwords and code numbers are changed as necessary.

The records are protected by the confidentiality requirements of the USDA Office of the Chief Information Officer (OCIO) Cyber Security Manuals and the provisions of the Privacy Act. Only authorized USDA employees will have access to the records in this system on a need to know basis. Role based access controls are used and the systems are accessible via the USDA Intranet.

Only authorized USDA personnel will have access to these records. The systems covered by this notice have been categorized as having a Moderate security categorization impact as identified in Federal Information Processing Standard (FIPS) 199,

Standards for Security Categorization of Federal Information and Information Systems. The security controls implemented within the systems will correspond with those published in the National Institute of Standards and Technology (NIST) Special Publication 800–53, Recommended Security Controls for Federal Information Technology Systems for a Moderate impact system.

Users are only granted system access upon successful completion of information security training and each user is supplied with a unique and strong user-id and password. The user roles are restrictive and based on the principle of least privilege allowing for adequate performance of job functions and access to information is based on a need to know.

Due to the financial nature of the systems covered by this notice, the systems also adhere to the security controls identified in the Federal Information Security Control Audit Manual (FISCAM). The mandatory requirements of FIPS 199 and FIPS 200, Minimum Security Requirements for Federal Information and Information Systems, support the Federal Information Security Management Act (FISMA) and the FISCAM supports the mandated Office of Management and Budget (OMB) Circular A–123, Management of Internal Controls.

Moreover, specific USDA security requirements are adhered to through the USDA Cyber Security Manuals including but not limited to: DM3545–000, Personnel Security, and DM3510–001, Physical Security Standards for Information Technology Restricted Space.

RECORD ACCESS PROCEDURES:

Any individual may request information regarding this system of records or determine whether the system contains records pertaining to him/her, from the appropriate System Manager. If the specific location of the record is not known, the individual should address his or her request to: Rural Development, Freedom of information Officer, United States Department of Agriculture, 1400 Independence Avenue SW, Stop 0742, and Washington, DC 20250–0742, <https://efoia-pal.usda.gov/app/Home.aspx>.

A request for information pertaining to an individual must include a name; an address; the RD office where the loan or grant was applied for, approved, and/or denied; the type of RD program; and the date of the request or approval.

CONTESTING RECORD PROCEDURES:

See "Record Access Procedure" above.

NOTIFICATION PROCEDURES:

See "Record Access Procedure" above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

System of Records: USDA/Rural Development-1 Current or Prospective Producers or Landowners, Applicants, Borrowers, Grantees, Tenants, and Other Participants in RD Programs. A Notice by the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service published to the **Federal Register** May 14, 2019 (84 FR 21315, No. 93, FR Doc. 2019-09874).

Basil I. Gooden,

Under Secretary, Rural Development, United States Department of Agriculture.

[FR Doc. 2024-20068 Filed 9-5-24; 8:45 am]

BILLING CODE 3410-XY-P

COMMISSION ON CIVIL RIGHTS**Notice of Public Business Meeting of the Alabama Advisory Committee to the U.S. Commission on Civil Rights**

AGENCY: Commission on Civil Rights.

ACTION: Announcement of business meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Alabama Advisory Committee (Committee) will hold a business meeting on Thursday, September 26, 2024 at 10:00 a.m. Central time. The Committee will review Committee processes to discuss civil rights topics.

DATES: The business meeting will take place on Thursday September 26, 2024, at 10:00 a.m. Central Time.

Public Call Information: Dial: 833-435-1820, Confirmation Code: 161 773 2050#.

Join from the meeting link: https://www.zoomgov.com/webinar/register/WN_CzvK2MR9RCaEXpoUTpV-jg.

FOR FURTHER INFORMATION CONTACT: David Barreras, DFO, at dbarreras@usccr.gov or (202) 656-8937

SUPPLEMENTARY INFORMATION: Members of the public may listen to this discussion through the above call-in number. An open comment period will be provided to allow members of the public to make a statement as time

allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Individuals who are deaf, deafblind and hard of hear hearing may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the conference call number and confirmation code.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit, U.S. Commission on Civil Rights, 230 S. Dearborn, Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353-8324 or emailed to Corrine Sanders at csanders@usccr.gov. Persons who desire additional information may contact the Regional Programs Unit at (312) 353-8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via www.facadatabase.gov under the Commission on Civil Rights, Alabama Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

Agenda

- I. Welcome and roll call
- II. Chair's Comments
- III. Committee Discussion
- IV. Next steps
- V. Public comment
- VI. Adjournment

Dated: August 30, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024-20001 Filed 9-5-24; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS**Notice of Public Meeting of the Ohio Advisory Committee to the U.S. Commission on Civil Rights**

AGENCY: Commission on Civil Rights.

ACTION: Notice of virtual business meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Ohio Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting via Zoom. The purpose of this meeting is to discuss, revise, and vote, as needed, on matters related to the Committee's draft report on source of income discrimination in Ohio housing.

DATES: Tuesday, September 24, 2024, from 1:00 p.m. to 2:00 p.m. Eastern Time.

ADDRESSES: This meeting will be held via Zoom.

Registration Link (Audio/Visual):

<https://bit.ly/3Ajl8lm>.

Join by Phone (Audio Only): 1-833-435-1820 USA Toll Free; Webinar ID: 160 920 9212#.

FOR FURTHER INFORMATION CONTACT:

Melissa Wojnarowski, Designated Federal Officer, at mwojnarowski@usccr.gov or 1-202-618-4158.

SUPPLEMENTARY INFORMATION: This Committee meeting is available to the public through the registration link above. Any interested members of the public may attend this meeting. An open comment period will be provided to allow members of the public to make oral statements as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting "CC" in the meeting platform. To request additional accommodations, please email svillanueva@usccr.gov at least 10 business days prior to each meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the scheduled meeting. Written comments may be emailed to Sarah Villanueva at svillanueva@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at 1-202-618-4158.

Records generated from these meetings may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they

become available, both before and after each meeting. Records of the meetings will be available via the file sharing website, <https://bit.ly/4g3IB4K>. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at svillanueva@usccr.gov.

Agenda

- I. Welcome and Roll Call
- II. Approval of Minutes
- III. Announcements and Updates
- IV. Draft Report Discussion
- V. Next Steps
- VI. Public Comment
- VII. Adjournment

Dated: August 30, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024-20002 Filed 9-5-24; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Commonwealth of the Northern Mariana Islands Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Commonwealth of the Northern Mariana Islands Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting via Zoom at 9:00 a.m. ChST on Thursday, October 3, 2024 (7:00 p.m. ET on Wednesday, October 2, 2024). The purpose of this meeting is to discuss the Committee's report on the topic, *Access to Adequate Health Care for Incarcerated Individuals in the CNMI Judicial System*.

DATES: Thursday, October 3, 2024, 9:00 a.m.–10:30 a.m. Chamorro Standard Time (Wednesday, October 2, 2024, 7:00 p.m.–8:30 p.m. Eastern Time)

ADDRESSES: The meeting will be held via Zoom Webinar.

Registration Link (Audio/Visual):
https://www.zoomgov.com/webinar/register/WN_P5bEtlseSU2Hu7BP-9TUfg

Join by Phone (Audio Only): (833) 435-1820 USA Toll-Free; Meeting ID: 160 321 7780.

FOR FURTHER INFORMATION CONTACT: Kayla Fajota, Designated Federal Officer, at kfajota@usccr.gov or (434) 515-2395.

SUPPLEMENTARY INFORMATION: This committee meeting is available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Liliana Schiller, Support Services Specialist, at lschiller@usccr.gov at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Kayla Fajota at kfajota@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at (434) 515-2395.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via the file sharing website, www.box.com. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at the above phone number.

Agenda

- I. Welcome & Roll Call
- II. Approval of Minutes
- III. Committee Discussion: Report Findings
- IV. Public Comment
- V. Next Steps
- VI. Adjournment

Dated: August 30, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024-20000 Filed 9-5-24; 8:45 am]

BILLING CODE 6335-01-P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Puerto Rico Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Puerto Rico Advisory Committee to the Commission will convene by virtual web conference on Wednesday, October 30, 2024, at 3:30 p.m. Atlantic Time/Eastern Time. The purpose is to continue discussion on their project on the civil rights impacts of the Insular Cases in Puerto Rico.

DATES: October 30, 2024, Wednesday, at 3:30 p.m. Atlantic Time (3:30 p.m. ET).

ADDRESSES: Meeting will be held via Zoom.

Registration Link (Audio/Visual):
<https://tinyurl.com/4r5h8vkj>; Passcode, if needed: USCCR-PR.

Join by Phone (Audio Only): 1-833-435-1820 USA Toll Free; Meeting ID: 161 526 6468 #.

FOR FURTHER INFORMATION CONTACT: Email Victoria Moreno, Designated Federal Officer at vmoreno@usccr.gov, or by phone at 434-515-0204.

SUPPLEMENTARY INFORMATION: This meeting will take place in Spanish with English interpretation. This committee meeting is available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email ebohor@usccr.gov at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the

comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Victoria Moreno at vmoreno@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at 1-312-353-8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via www.facadata.gov under the Commission on Civil Rights, Puerto Rico Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at ebohor@usccr.gov.

Agenda

1. Welcome & Roll Call
2. Committee Discussion on Project Regarding the Civil Rights Impacts of the Insular Cases in Puerto Rico
3. Next Steps
4. Public Comment
5. Other Business
6. Adjourn

Dated: August 30, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024-20043 Filed 9-5-24; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-073, C-570-074]

Common Alloy Aluminum Sheet From the People's Republic of China: Continuation of Antidumping and Countervailing Duty Orders

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

SUMMARY: As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that the revocation of the antidumping duty (AD) and countervailing duty (CVD) orders on certain common alloy aluminum sheet (CAAS) from the People's Republic of China (China) would likely lead to the continuation or recurrence of dumping and countervailable subsidies, and material injury to an industry in the United States, Commerce is publishing a notice of continuation of the AD and CVD orders.

DATES: Applicable August 28, 2024.

FOR FURTHER INFORMATION CONTACT: Erin Kearney, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; (202) 482-0167.

SUPPLEMENTARY INFORMATION:

Background

On February 6 and 8, 2019, respectively, Commerce published in the **Federal Register** the CVD and AD orders on CAAS from China.¹ On January 2, 2024, the ITC instituted,² and Commerce initiated,³ the first sunset review of the *Orders*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its reviews, Commerce determined that revocation of the *Orders* would likely lead to the continuation or recurrence of dumping and countervailable subsidies, and therefore, notified the ITC of the magnitude of the margins of dumping and subsidy rates likely to prevail should the *Orders* be revoked.⁴

On August 28, 2024, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Orders* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.⁵

Scope of the Orders

The merchandise covered by these *Orders* is aluminum common alloy sheet (common alloy sheet), which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of these *Orders* includes both not clad aluminum sheet,

as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core.

Common alloy sheet may be made to ASTM specification B209-14, but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of the *Orders* if performed in the country of manufacture of the common alloy sheet.

Excluded from the scope of these *Orders* is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H-19, H-41, H-48, or H-391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055. Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3090, 7606.12.6000, 7606.91.3090, 7606.91.6080, 7606.92.3090, and 7606.92.6080. Further, merchandise that falls within the scope of these *Orders* may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3030, 7606.91.3060, 7606.91.6040, 7606.92.3060, 7606.92.6040, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these *Orders* is dispositive.

¹ See *Common Alloy Aluminum Sheet from the People's Republic of China: Countervailing Duty Order*, 84 FR 2157 (February 6, 2019); see also *Common Alloy Aluminum Sheet from the People's Republic of China: Antidumping Duty Order*, 84 FR 2813 (February 8, 2019) (collectively, *Orders*).

² See *Common Alloy Aluminum Sheet from China; Institution of Five-Year Reviews*, 89 FR 96 (January 2, 2024).

³ See *Initiation of Five-Year (Sunset) Reviews*, 89 FR 66 (January 2, 2024).

⁴ See *Common Alloy Aluminum Sheet from the People's Republic of China: Final Results of the Expedited First Sunset Review of the Antidumping Duty Order*, 89 FR 38096 (May 7, 2024), and accompanying Issues and Decision Memorandum (IDM); see also *Common Alloy Aluminum Sheet from the People's Republic of China: Final Results of the First Expedited Sunset Review of the Countervailing Duty Order on Common Alloy Aluminum Sheet From the People's Republic of China*, 89 FR 38095 (May 7, 2024), and accompanying IDM.

⁵ See *Common Alloy Aluminum Sheet from China*, 89 FR 68930 (August 28, 2024).

Continuation of the Orders

As a result of the determinations by Commerce and the ITC that revocation of the *Orders* would likely lead to continuation or recurrence of dumping and countervailable subsidies, and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, Commerce hereby orders the continuation of the *Orders*. U.S. Customs and Border Protection will continue to collect AD and CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Orders* will be August 28, 2024.⁶ Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year reviews of the *Orders* not later than 30 days prior to fifth anniversary of the date of the last determination by the ITC.

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

These five-year (sunset) reviews and this notice are in accordance with sections 751(c) and 751(d)(2) of the Act and published in accordance with section 777(i) of the Act, and 19 CFR 351.218(f)(4).

Dated: August 29, 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. 2024–19942 Filed 9–5–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–175, C–489–854]

Certain Brake Drums From the People’s Republic of China and the Republic of Türkiye: Postponement of Preliminary Determinations in the Countervailing Duty Investigations

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

DATES: Applicable September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Nathan James at (202) 482–5305 (the People’s Republic of China (China)); Kyle Clahane at (202) 482–5449 (the Republic of Türkiye (Türkiye)), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On July 10, 2024, the U.S. Department of Commerce (Commerce) initiated countervailing duty (CVD) investigations of imports of certain brake drums (brake drums) from China and Türkiye.¹ On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.² Currently, the preliminary determinations are due no later than September 20, 2024.

Postponement of Preliminary Determinations

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a countervailing duty investigation within 65 days after the date on which Commerce initiated the investigation. However, section 703(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 130 days after the date on which Commerce initiated the investigation if: (A) the petitioner³ makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a

preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On August 26, 2024, the petitioner submitted a timely request that Commerce postpone the preliminary CVD determinations.⁴ The petitioner stated that it requests postponement to allow Commerce to collect the necessary information for determining the most accurate possible CVD subsidy rates, because the respondents in both investigations have yet to file their full questionnaire responses, which gives Commerce little or no time to review responses from respondents, issue supplemental questionnaires, or consider deficiency comments before reaching a preliminary determination.⁵

In accordance with 19 CFR 351.205(e), the petitioner has stated the reasons for requesting a postponement of the preliminary determinations, and Commerce finds no compelling reason to deny the request. Therefore, in accordance with section 703(c)(1)(A) of the Act, Commerce is postponing the deadline for the preliminary determinations to no later than 130 days after the date on which these investigations were initiated, *i.e.*, November 25, 2024.⁶ Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations of these investigations will continue to be 75 days after the date of the preliminary determinations.

Notification to Interested Parties

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

⁴ See Petitioner’s Letter, “Request for Postponement of Preliminary Determinations,” dated August 26, 2024.

⁵ *Id.*

⁶ This deadline has been tolled by seven days. See footnote 2, *supra*. Additionally, postponing the preliminary determination makes the deadline Sunday, November 24, 2024. Commerce’s practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. See *Notice of Clarification: Application of “Next Business Day” Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

¹ See *Certain Brake Drums from the People’s Republic of China and the Republic of Türkiye: Initiation of Countervailing Duty Investigations*, 89 FR 58106 (July 17, 2024) (*Initiation Notice*).

² See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,” dated July 22, 2024.

³ The petitioner is Webb Wheel Products, Inc.

⁶ *Id.*

Dated: August 30, 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. 2024-20070 Filed 9-5-24; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Public Wireless Supply Chain Innovation Fund Listening Session #2

AGENCY: National Telecommunications and Information Administration, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Telecommunications and Information Administration (NTIA) will convene its second virtual industry roundtable listening session on the Public Wireless Supply Chain Innovation Fund (“Innovation Fund”). The listening session will discuss Innovation Fund progress to date and solicit stakeholder input to help inform future funding opportunities.

DATES: The listening session will be held on September 26, 2024, from 10 a.m. to 12:30 p.m., eastern daylight time.

ADDRESSES: The session will be held virtually, with online slide share and dial-in information to be posted at www.ntia.gov/program/innovation-fund.

FOR FURTHER INFORMATION CONTACT: Please direct questions regarding this Notice to Richard Upchurch at innovationfund@ntia.gov, indicating “Innovation Fund Listening Session #2” in the subject line, or if by mail, addressed to National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202-482-3806. Please direct media inquiries to NTIA’s Office of Public Affairs, press@ntia.gov.

SUPPLEMENTARY INFORMATION:

Background and Authority: On August 9, 2022, President Biden signed the *CHIPS and Science Act of 2022* into law, appropriating \$1.5 billion for the Public Wireless Supply Chain Innovation Fund to support the promotion and deployment of open, interoperable, and standards-based radio access networks (RAN) (Pub. L. 117-167, Div. A, sec. 106, 136 Stat. 1392). The Innovation Fund is authorized under section 9202(a)(1) of

the *William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021* (Pub. L. 116-283; 47 U.S.C. 906(a)(1)). This historic investment aims to support U.S. leadership in the global telecommunications ecosystem, foster competition, lower costs for consumers and network operators, and strengthen our supply chain. The Secretary of Commerce, acting through the NTIA Administrator, shall establish criteria for grants awarded to support the following:

(i) Promoting and deploying technology, including software, hardware, and microprocessing technology, that will enhance competitiveness in the fifth-generation (commonly known as “5G”) and successor wireless technology supply chains that use open and interoperable interface radio access networks.

(ii) Accelerating commercial deployments of open interface standards-based compatible, interoperable equipment, such as equipment developed pursuant to the standards set forth by organizations such as the O-RAN Alliance, the Telecom Infra Project, 3GPP, the Open-RAN Software Community, or any successor organizations.

(iii) Promoting and deploying compatibility of new 5G equipment with future open standards-based, interoperable equipment.

(iv) Managing integration of multi-vendor network environments.

(v) Identifying objective criteria to define equipment as compliant with open standards for multi-vendor network equipment interoperability.

(vi) Promoting and deploying security features enhancing the integrity and availability of equipment in multi-vendor networks.

(vii) Promoting and deploying network function virtualization to facilitate multi-vendor interoperability and a more diverse vendor market.

In accordance with the above statute, NTIA issued two Notice of Funding Opportunities (NOFOs) based on stakeholder feedback.

NTIA’s first NOFO was released in August 2023, which awarded more than \$140 million to 17 grantees. This first funding opportunity focused on advancing two key areas:

1. *Testing and Evaluation (T&E):*

Projects aimed at expanding industry-accepted T&E, within the United States and its territories and possessions, to test, evaluate, facilitate, and assess, the interoperability, performance, and/or security of open and interoperable, standards-based 5G radio access networks.

2. *Research and Design (R&D) into Testing Methods:* R&D projects aimed at addressing needs not currently met by industry-accepted tests and best practices. These projects fall into two categories: (1) developing new and emerging performance indicators and/or (2) developing enhanced methods for existing test criteria that make material improvements on current methods needed to assess interoperability, performance, and/or security on these networks and their component parts.

NTIA’s second NOFO was released in May 2024 with up to \$420 million allocated for awards. NTIA anticipates beginning to award grants this fall. This second NOFO focuses on:

1. *Open Radio Unit (RU)*

Commercialization: Projects aimed at accelerating the development of open RU products to the point where they meet carrier needs and are ready for commercial trials. NTIA seeks to accelerate mobile network operator (MNO) adoption by requiring suppliers and MNOs to partner on the development of open RU products that meet operators’ performance and feature requirements.

2. *Open Radio Unit (RU) Innovation:* Projects aimed at improving the overall performance and capabilities of open RUs through targeted research and development. NTIA seeks to drive RU innovation that results in advanced performance and features—in turn accelerating the adoption of open and interoperable networks.

Considering the research focus areas undertaken to date, NTIA invites input from all interested stakeholders—including private industry, academia, civil society, and other experts—on the following topics, among others, to help inform the future of the Innovation Fund:

(a) Ongoing barriers to Open RAN adoption, including for example, technology gaps and market challenges, among others, and opportunities to address such barriers;

(b) Anticipated use cases for open and interoperable standards-based networks in public and private 5G networks; and

(c) Desired outcomes from industry, including relevant trials, deployment models, or proofs of concept.

Time and Date: NTIA will convene the public listening session on September 26, 2024, from 10 a.m. to 12:30 p.m. eastern daylight time. The exact time of the meeting is subject to change. Please refer to NTIA’s website, www.ntia.gov/program/innovation-fund for the most current information.

Place: The meeting will be held virtually, with online slide share and dial-in information to be posted at <https://www.ntia.gov/program/innovation-fund>. Please refer to NTIA's website, for the most current information.

Other Information: The meeting is open to the public and the press on a first-come, first-served basis. The virtual meeting is accessible to people with disabilities. Individuals requiring accommodations such as real-time captioning, sign language interpretation or other ancillary aids should notify the Department at InnovationFund@ntia.gov at least seven (7) business days prior to the meeting. Access details for the meeting are subject to change. Please refer to NTIA's website, <https://www.ntia.gov/program/innovation-fund> for the most current information.

Stephanie Weiner,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2024-20135 Filed 9-5-24; 8:45 am]

BILLING CODE 3510-60-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date deleted from the Procurement List:* October 6, 2024.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489-1322, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION:

Deletions

On 8/2/2024 (89 FR 63168), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51-2.3.

After consideration of the relevant matter presented, the Committee has determined that the service(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501-8506 and 41 CFR 51-2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501-8506) in connection with the service(s) deleted from the Procurement List.

End of Certification

Accordingly, the following product(s) and service(s) are deleted from the Procurement List:

Service(s)

Service Type: Develop Rapid Prototypes
Mandatory for: U.S. COAST GUARD

Designated Source of Supply: National Industries for the Blind, Alexandria, VA
Designated Source of Supply: The Arkansas Lighthouse for the Blind, Little Rock, AR
Designated Source of Supply: Blind Industries & Services of Maryland, Baltimore, MD

Designated Source of Supply: Alphapointe, Kansas City, MO

Designated Source of Supply: Lions Services, Inc., Charlotte, NC

Designated Source of Supply: LC Industries, Inc., Durham, NC

Designated Source of Supply: Industries of the Blind, Inc., Greensboro, NC

Designated Source of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC

Designated Source of Supply: Northeastern Association of the Blind at Albany, Inc., Albany, NY

Designated Source of Supply: Goodwill Vision Enterprises, Rochester, NY

Designated Source of Supply: San Antonio Lighthouse for the Blind, San Antonio, TX

Designated Source of Supply: (Seattle Lighthouse), Seattle, WA

Contracting Activity: U.S. COAST GUARD, HQ CONTRACT OPERATIONS (CG-912)

Service Type: Telephone Switchboard Operations

Mandatory for: Department of Veterans Affairs, VA Medical Center, Washington, DC, 50 Irving Street NW, Washington, DC

Mandatory Source of Supply: Columbia

Lighthouse for the Blind, Washington, DC

Contracting Activity: VETERANS AFFAIRS, DEPARTMENT OF, 688-WASHINGTON DC (00688)

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2024-20101 Filed 9-5-24; 8:45 am]

BILLING CODE 6353-01-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete product(s) and service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before: October 6, 2024.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489-1322, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following product(s) and service(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s):
8465-01-524-8407—Carrier, Entrenching Tool, Universal Camouflage

Authorized Source of Supply: Chutauqua County Chapter, NYSARC, Jamestown, NY

Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

NSN(s)—Product Name(s):
8465-01-524-8407—Carrier, Entrenching Tool, Universal Camouflage

Authorized Source of Supply: Dallas Lighthouse for the Blind, Inc., Dallas, TX
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

Service(s)

Service Type: Janitorial/Custodial

Mandatory for: Eldorado National Forest: Supervisors Office, Placerville, CA
Authorized Source of Supply: PRIDE Industries, Roseville, CA
Contracting Activity: Forest Service, Tahoe National Forest
Service Type: Mailroom Operation
Mandatory for: Internal Revenue Service, University Plaza Building, 949 East 36th Avenue, Room 112, Anchorage, AK
Authorized Source of Supply: Assets, Inc., Anchorage, AK
Contracting Activity: Internal Revenue Service, Dept of Treas/Internal Revenue Service
Service Type: Grounds Maintenance
Mandatory for: Air National Guard Readiness Center, Andrews AFB, MD
Authorized Source of Supply: Melwood Horticultural Training Center, Inc., Upper Marlboro, MD
Contracting Activity: Dept of Defense, DOD/Off of Secretary of Def (Exec Mil Depts)
Service Type: Janitorial/Custodial Service
Mandatory for: Bureau of Land Management, 620 East Greene Street, Carlsbad Field Office, Carlsbad, NM
Authorized Source of Supply: Tresco, Inc., Las Cruces, NM
Contracting Activity: Bureau of Land Management, NM-Carlsbad Field Office
Service Type: Grounds Maintenance
Mandatory for: US Army Corps of Engineers, Douglas Creek Recreation Area, 201 First Street, Riverdale, ND
Authorized Source of Supply: MVW Services, Inc., Minot, ND
Contracting Activity: Dept of The Army, W071 Endist, Omaha

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2024-20100 Filed 9-5-24; 8:45 am]

BILLING CODE 6353-01-P

DEPARTMENT OF ENERGY

Privacy Act of 1974; System of Records

AGENCY: U.S. Department of Energy.

ACTION: Notice of a modified system of records.

SUMMARY: As required by the Privacy Act of 1974 and the Office of Management and Budget (OMB) Circulars A-108 and A-130, the Department of Energy (DOE or the Department) is publishing a notice of a modification to an existing Privacy Act system of records. DOE proposes to amend System of Records DOE-3 Employee Concerns Program Records. This Systems of Records Notice (SORN) is being modified to align with new formatting requirements published by the OMB, and to ensure appropriate Privacy Act coverage of business processes and Privacy Act information. Substantive changes to the “Purpose(s)

of the System,” “Categories of Individuals” and “Categories of Records” sections covered by this SORN have been made to align with DOE Order 442.1B. *Department of Energy Employee Concerns Program*, which was approved by the Department on January 31, 2019. Substantive changes have also been made to the “System Locations,” “Routine Uses,” and “Administrative, Technical and Physical Safeguards” sections to provide greater transparency. Changes to “Routine Uses” include new provisions related to responding to breaches of information held under a Privacy Act SORN as required by OMB’s Memorandum M-17-12, “Preparing for and Responding to a Breach of Personally Identifiable Information” (January 3, 2017). Language throughout the SORN has been updated to align with applicable Federal privacy laws, policies, procedures, and best practices. **DATES:** This modified SORN will become applicable following the end of the public comment period on October 7, 2024 unless comments are received that result in a contrary determination. **ADDRESSES:** Written comments should be sent to the DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW, Washington, DC 20503 and to Ken Hunt, Chief Privacy Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Rm 8H-085, Washington, DC 20585 or by facsimile at (202) 586-8151 or by email at privacy@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: Ken Hunt, Chief Privacy Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Rm 8H-085, Washington, DC 20585 or by facsimile at (202) 586-8151, by email at privacy@hq.doe.gov, or by telephone at (240) 686-9485.

SUPPLEMENTARY INFORMATION: On January 9, 2009, DOE published a Compilation of its Privacy Act systems of records, which included System of Records DOE-3 Employee Concerns Program Records. This notice proposes amendments to the “System Location” section of that system of records by updating system locations to which this DOE-3 is applicable. In the “Routine Uses” section, this modified notice deletes a previous routine use concerning efforts responding to a suspected or confirmed loss of confidentiality of information as it appears in DOE’s compilation of its Privacy Act systems of records (January 9, 2009) and replaces it with a routine use intended to assist DOE with

responding to a suspected or confirmed breach of its records containing Personally Identifiable Information (PII), modeled with language from OMB’s Memorandum M-17-12, “Preparing for and Responding to a Breach of Personally Identifiable Information” (January 3, 2017). Further, this notice adds two new routine uses. First, this notice clarifies that a record from the system may be used to document and address employee concerns pursuant to DOE Order 442.1B, *Department of Energy Employee Concerns Program* (and successor documents) and complaints filed with the Employee Concerns Program pursuant to provisions of 10 CFR part 708, *DOE Contractor Employee Protection Program*. In addition, DOE may assist another agency or entity in responding to the other agency’s or entity’s confirmed or suspected breach of PII, as appropriate, as aligned with OMB’s Memorandum M-17-12. An administrative change required by the FOIA Improvement Act of 2016 extends the length of time a requestor is permitted to file an appeal under the Privacy Act from 30 to 90 days. Both the “System Locations” and “Administrative, Technical and Physical Safeguards” sections have been modified to reflect the Department’s usage of cloud-based services for records storage. Language throughout the SORN has been updated to align with applicable Federal privacy laws, policies, procedures, and best practices.

SYSTEM NAME AND NUMBER:

DOE-3 Employee Concerns Program Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Systems to which this SORN is applicable may exist in multiple locations. All systems storing records in a cloud-based server are required to use government-approved cloud services and follow National Institute of Standards and Technology (NIST) security and privacy standards for access and data retention. Records maintained in a government-approved cloud server are accessed through secure data centers in the continental United States.

U.S. Department of Energy
 Headquarters, 1000 Independence Avenue SW, Washington, DC 20585.

U.S. Department of Energy, National Nuclear Security Administration, 1000 Independence Avenue SW, Washington, DC 20585.

U.S. Department of Energy, Office of Legacy Management, 1000

Independence Avenue SW, Washington, DC 20585.

U.S. Department of Energy, Idaho Operations Office, 1955 Fremont Avenue, Idaho Falls, ID 83415.

U.S. Department of Energy, Golden Field Office, Room C302-5, 15301 Denver West Parkway, Golden, CO 80401.

U.S. Department of Energy, National Energy Technology Laboratory (Alaska), 222 W. 7th Avenue, Suite 108, Anchorage, AK 99501.

U.S. Department of Energy, National Energy Technology Laboratory (Albany), 1450 Queen Avenue SW, Albany, OR 97321.

U.S. Department of Energy, National Energy Technology Laboratory (Houston), 1011 Highway 6 S., Suite 309, Houston, TX 77077.

U.S. Department of Energy, National Energy Technology Laboratory (Morgantown), 3610 Collins Ferry Road, Morgantown, WV 26505.

U.S. Department of Energy, National Energy Technology Laboratory (Pittsburgh), 626 Cochran Mill Road, Pittsburgh, PA 15236.

U.S. Department of Energy, Carlsbad Field Office, Skeen/Whitlock Building, 4021 National Parks Hwy, 2nd Floor, Room Number T295B, Carlsbad, NM 88220.

U.S. Department of Energy, Environmental Management Consolidated Business Center (EMCBC), 550 Main Street, Rm 7-010, Cincinnati, OH 45202.

U.S. Department of Energy, Portsmouth/Paducah Project Office, 1017 Majestic Drive, Lexington, KY 40513.

U.S. Department of Energy, Office of River Protection, P.O. Box 450, Richland, WA 99352.

U.S. Department of Energy, Richland Operations Office, P.O. Box 550, Richland, WA 99352.

U.S. Department of Energy, West Valley Demonstration Project, 9030 Route 219, West Valley, NY 14171.

U.S. Department of Energy, Bonneville Power Administration, 901 NE 11th Ave., Portland, OR 97232.

U.S. Department of Energy, Southeastern Power Administration, 1166 Athens Tech Road, Elberton, GA 30635-6711.

U.S. Department of Energy, Southwestern Power Administration, One West Third Street, Suite 1500, Tulsa, OK 74103.

U.S. Department of Energy, Western Area Power Administration, 12155 W. Alameda Pkwy., Lakewood, CO 80228.

U.S. Department of Energy, Strategic Petroleum Reserve Project Management Office, 900 Commerce Road East, New Orleans, LA 70123.

U.S. Department of Energy, Office of Science, Chicago Office, Consolidated Service Center, 9800 South Cass Avenue, Lemont, IL 60439.

U.S. Department of Energy, Office of Science, Argonne Site Office, 9800 S Cass Ave (B201), Lemont, IL 60439.

U.S. Department of Energy, Office of Science, Ames Site Office, 9800 S Cass Ave (B201) Room 360B, Lemont, IL 60439.

U.S. Department of Energy, Office of Science, Princeton Site Office, 9800 S Cass Ave (B201) Room 360B, Lemont, IL 60439.

U.S. Department of Energy, Office of Science, Berkeley Site Office, Lawrence Berkeley National Laboratory, 1 Cyclotron Road, Mailstop 90-1023, Berkeley, CA. 94720-8123.

U.S. Department of Energy, Office of Science, Brookhaven Site Office, 53 Bell Avenue, Bldg. 464, Upton, NY 11973.

U.S. Department of Energy, Office of Science, Fermi Site Office, MS 118, P.O. Box 2000, Kirk Road and Pine Street, Batavia, IL 60510.

U.S. Department of Energy, Office of Science Consolidated Service Center, P.O. Box 2001, Oak Ridge, TN 37831.

U.S. Department of Energy, Office of Science, ORNL Site Office, US DOE—OSO, P.O. Box 2008 MS-6269, Oak Ridge, TN 37831.

U.S. Department of Energy, Office of Science, Pacific Northwest Site Office, 3200 Innovation Blvd., Richland, WA 99354.

U.S. Department of Energy, Office of Science, SLAC Site Office, 2575 Sand Hill Road, MS-8A, Menlo Park, CA 94025.

U.S. Department of Energy, Office of Science, Thomas Jefferson Site Office, 12000 Jefferson Avenue, Suite 14, Newport News, VA 23606.

U.S. Department of Energy, NNSA John A. Gordon, Albuquerque Complex, 24600 20th Street SE, Albuquerque, NM 87116.

U.S. Department of Energy, Pantex Site Office, P.O. Box 30030, Amarillo, TX 79120.

U.S. Department of Energy, Kansas Field Office, 2000 East 95th Street, Kansas City, MO 64131.

U.S. Department of Energy, Los Alamos Field Office 2900 E. Road, Los Alamos, NM 87544.

U. S. Department of Energy, Livermore Site Office, P.O. Box 808, L-293, Livermore, CA 94551-0808.

Nevada Field Office, 232 Energy Way North, Las Vegas, NV 89030.

Sandia Site Office, 24600 20th Street SE, Albuquerque, NM 87116.

U.S. Department of Energy, Savannah River Site Office, Road 1A, Aiken, SC 29801.

U.S. Department of Energy, Y-12 Site Office, P.O. Box 2009, Oak Ridge, TN 37831-8245.

National Nuclear Security Administration, Los Alamos Acquisition and Project Management Office, NA-95, c/o Los Alamos National Laboratory, 30 Bikini Atoll, TA 50 Building 9008 Los Alamos, NM 87545.

National Nuclear Security Administration, Savannah River Acquisition and Project Management Office, P.O. Box A, Aiken, SC 29802.

National Nuclear Security Administration, Naval Reactors Laboratory, Building A4, 814 Pittsburgh-McKeesport Boulevard, West Mifflin, PA 15122.

SYSTEM MANAGER(S):

Headquarters: Office of Environment, Health, Safety and Security, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585.

Field Offices: The managers of the Employee Concerns Programs at the "System Locations" listed above are the system managers for their respective portions of this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 7101 *et seq.*; 50 U.S.C. 2401 *et seq.*; 42 U.S.C. 2201(p); 42 U.S.C. 7254; 42 U.S.C. 5801(a).

PURPOSE(S) OF THE SYSTEM:

Records in this system are maintained and used by the Department to (i) document and address employee concerns about an activity, policy or practice of DOE or its contractors or subcontractors, including but not limited to environmental, safety, health, security, quality, and management issues or harassment, intimidation, retaliation/reprisal or discrimination for raising an employee concern, and (ii) document and address complaints under 10 CFR part 708 that are filed with the Employee Concerns Program.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former DOE (including NNSA) employees, and DOE and DOE/NNSA contractor and subcontractor employees who have filed employee concerns or complaints with DOE Employee Concerns Program offices, or individuals who have participated or provided information in an employee concerns process or complaints under 10 CFR part 708 that have been filed with Employee Concerns Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee concerns; complaints filed pursuant to 10 CFR part 708 with the Employee Concern Program; names,

Social Security numbers, work and home addresses, telephone numbers; job titles, series, grade or pay levels; organization; supervisors' names and telephone numbers; copies of employee records such as personnel actions, performance appraisals, pay and leave records and security clearance documents; management reports; witness statements; affidavits; checklists; notes; inspection reports; audit reports; financial records; medical records; contractor/corporate-owned records; documents related to environment, health, safety, and security conditions; and relevant correspondence.

RECORD SOURCE CATEGORIES:

The concerned employee or complainant; witnesses; management officials; program office records; and congressional offices.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

1. A record from this system may be used to address employee concerns pursuant to DOE Order 442.1B, Department of Energy Employee Concerns Program (and successor documents), and complaints filed with the Employee Concerns Program pursuant to provisions of 10 CFR part 708, DOE Contractor Employee Protection Program.

2. A record from this system may be disclosed as a routine use to union officials acting in their official capacity as a representative of the grievant or affected employees under 5 U.S.C. Chapter 71.

3. A record from this system may be disclosed as a routine use to a member of Congress submitting a request involving a constituent when the constituent has requested assistance from the member concerning the subject matter of the record. The member of Congress must provide a copy of the constituent's signed request for assistance.

4. A record from this system may be disclosed as a routine use to the appropriate local, tribal, state, or Federal agency when records, alone or in conjunction with other information, indicate a violation or potential violation of law whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program pursuant thereto.

5. A record from this system may be disclosed as a routine use for the purpose of an investigation, settlement of claims, or the preparation and conduct of litigation to (1) persons representing the Department in the

investigation, settlement or litigation, and to individuals assisting in such representation; (2) others involved in the investigation, settlement, and litigation, and their representatives and individuals assisting those representatives; (3) witnesses, potential witnesses, or their representatives and assistants; and (4) any other persons who possess information pertaining to the matter when it is relevant and necessary to obtain information or testimony relevant to the matter.

6. A record from this system may be disclosed as a routine use to DOE contractors in performance of their contracts, and their officers and employees who have a need for the record in the performance of their duties. Those provided information under this routine use are subject to the same limitations applicable to Department officers and employees under the Privacy Act.

7. A record from this system may be disclosed as a routine use to appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOE (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

8. A record from this system may be disclosed as a routine use to another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records may be stored as paper records or electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by name of the concerned employee or complainant or other personal identifier.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Retention and disposition of these records is in accordance with the National Archives and Records Administration-approved records disposition schedule with a retention of 4 or 75 years.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Electronic records may be secured and maintained on a cloud-based software server and operating system that resides in a Federal Risk and Authorization Management Program (FedRAMP) and Federal Information Security Modernization Act (FISMA) hosting environment. Data located in the cloud-based server is firewalled and encrypted at rest and in transit. The security mechanisms for handling data at rest and in transit are in accordance with DOE encryption standards. Records are protected from unauthorized access through the following appropriate safeguards:

- *Administrative:* Access to all records is limited to lawful government purposes only, with access to electronic records based on role and either two-factor authentication or password protection. The system requires passwords to be complex and to be changed frequently. Users accessing system records undergo frequent training in Privacy Act and information security requirements. Security and privacy controls are reviewed on an ongoing basis.

- *Technical:* Computerized records systems are safeguarded on the Departmental networks configured for role-based access based on job responsibilities and organizational affiliation. Privacy and security controls are in place for this system and are updated in accordance with applicable requirements as determined by NIST and DOE directives and guidance.

- *Physical:* Computer servers on which electronic records are stored are located in secured Department facilities, which are protected by security guards, identification badges, and cameras. Paper copies of all records are locked in file cabinets, file rooms, or offices and are under the control of authorized personnel. Access to these facilities is granted only to authorized personnel and each person granted access to the system must be an individual authorized to use or administer the system.

RECORD ACCESS PROCEDURES:

The Department follows the procedures outlined in 10 CFR 1008.4. Valid identification of the individual making the request is required before information will be processed, given, access granted, or a correction considered, to ensure that information is processed, given, corrected, or records disclosed or corrected only at the request of the proper person.

CONTESTING RECORD PROCEDURES:

Any individual may submit a request to the System Manager and request a copy of any records relating to them. In accordance with 10 CFR 1008.11, any individual may appeal the denial of a request made by him or her for information about or for access to or correction or amendment of records. An appeal shall be filed within 90 calendar days after receipt of the denial. When an appeal is filed by mail, the postmark is conclusive as to timeliness. The appeal shall be in writing and must be signed by the individual. The words “PRIVACY ACT APPEAL” should appear in capital letters on the envelope and the letter. Appeals of denials relating to records maintained in government-wide system of records reported by Office of Personnel Management (OPM), shall be filed, as appropriate, with the Assistant Director for Agency Compliance and Evaluation, OPM, 1900 E Street NW, Washington, DC 20415. All other appeals relating to DOE records shall be directed to the Director, Office of Hearings and Appeals (OHA), 1000 Independence Avenue SW, Washington, DC 20585.

NOTIFICATION PROCEDURES:

In accordance with the DOE regulation implementing the Privacy Act, 10 CFR part 1008, a request by an individual to determine if a system of records contains information about themselves should be directed to the U.S. Department of Energy, Headquarters, Privacy Act Officer. The request should include the requester's complete name and the time period for which records are sought.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

The system is exempt under subsections 552a(k)(1), (2) and (5) of the Privacy Act to the extent that information within the system meets the criteria of those subsections of the Act. Such information has been exempted from the provisions of subsections (c)(3); 5 U.S.C. 552a (d); 5 U.S.C. 552a (e)(1) of the Act; see the Department's Privacy Act regulation at 10 CFR part 1008.

HISTORY:

This SORN was last published in the **Federal Register** (FR), 74 FR 1000–1002, on January 9, 2009.

Signing Authority

This document of the Department of Energy was signed on August 29, 2024 by Ann Dunkin, Senior Agency Official for Privacy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on September 3, 2024.

Treana V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2024–20086 Filed 9–5–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY**Energy Information Administration****Agency Information Collection Proposed Extension**

AGENCY: U.S. Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Notice.

SUMMARY: EIA submitted an information collection request for extension as required by the Paperwork Reduction Act of 1995. The information collection requests a three-year extension of its Form EIA–63C, *Densified Biomass Fuel Report*, OMB Control Number 1905–0209. The report is part of EIA's comprehensive energy data program. Form EIA–63C collects monthly data on the manufacture, shipment, exports, energy characteristics, and sales of densified biomass fuels and other densified biomass fuel products from facilities that manufacture densified biomass fuel products (pellet fuels), for energy applications.

DATES: Comments on this information collection must be received no later than October 7, 2024. 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:

Kenneth Pick, EIA Clearance Officer, at (202) 586–5562. The form and instructions are available at <https://www.eia.gov/survey/#eia-63c>.

SUPPLEMENTARY INFORMATION: This information collection request contains:

- (1) *OMB Control Number:* 1905–0209;
- (2) *Information Collection Request Title:* Densified Biomass Fuel Report;
- (3) *Type of Request:* Three-year extension with change;
- (4) *Purpose:* Form EIA–63C is part of EIA's comprehensive energy data program. The survey collects information on the manufacture, shipment, exports, energy characteristics, and sales of pellet fuels and other densified biomass fuel products data from facilities that manufacture densified biomass fuel products, primarily pellet fuels, for energy applications. The data collected on Form EIA–63C are a primary source of information for the nation's growing production of biomass products for heating and electric power generation, and for use in both domestic and foreign markets.

(4a) *Proposed Change to Information Collection:* There is a reduction in the number of survey respondents required to file EIA–63C reports. This reduces the annual estimated responses and associated burden hours. There is one change to the instructions for the EIA–63C: the term “heating fuel” was added to clarify the reporting requirements and reduce out of scope reporting.

(5) *Annual Estimated Number of Respondents:* 93;

(6) *Annual Estimated Number of Total Responses:* 929;

(7) *Annual Estimated Number of Burden Hours:* 1,282;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* The cost of the burden hours is estimated to be \$116,868 (1,282 burden hours times \$91.16 per hour). EIA estimates that there are no additional costs to respondents associated with the survey other than the costs associated with the burden hours.

Statutory Authority: 15 U.S.C. 772(b) and 42 U.S.C. 7101 *et seq.*

Signed in Washington, DC, on August 29, 2024.

Samson A. Adeshiyani,

Director, Office of Statistical Methods and Research, U.S. Energy Information Administration.

[FR Doc. 2024-20088 Filed 9-5-24; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP24-514-000]

National Fuel Gas Supply Corporation; Notice of Application and Establishing Intervention Deadline

Take notice that on August 21, 2024, National Fuel Gas Supply Corporation (National Fuel), 6363 Main Street, Williamsville, New York 14221, filed an application under section(s) 7(b) and 7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations requesting authorization to construct and operate new pipeline facilities, as well as authority for the abandonment and replacement of certain pipeline facilities, comprising its Tioga Pathway Project (Project). The Project facilities are located in Tioga and Potter Counties, Pennsylvania, and consist primarily of replacing 3.84 miles of 1936 vintage, bare steel 12-inch-diameter pipeline and the construction of 19.48 miles of new 20-inch-diameter pipeline connecting National Fuel's system to the existing gathering facilities of NFG Midstream Covington, LLC., as well as the modification and construction of various aboveground facilities. The Project would enable National Fuel to modernize a portion of its existing pipeline system and create 190,000 dekatherms per day of new transportation capacity, which is fully subscribed by the Project shipper. National Fuel estimates the cost of the Project to be \$101,168,022, all as more fully described in the application which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access

this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

Any questions regarding the proposed project should be directed to Megan M. Emes, Senior Counsel, 6363 Main Street, Williamsville, New York 14221-5887, by phone at (716) 857-7004, or by email at emesm@natfuel.com.

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,¹ within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Water Quality Certification

National Fuel stated that a water quality certificate under section 401 of the Clean Water Act is required for the project from Pennsylvania Department of Environmental Protection (PADEP). When available, National Fuel should submit to the Commission a copy of the request for certification for the Commission authorization, including the date the request was submitted to the certifying agency, and either (1) a copy of the certifying agency's decision or (2) evidence of waiver of water quality certification.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on

the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on September 20, 2024. How to file protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202)502-6595 or OPP@ferc.gov.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)² and 385.211³ of the Commission's regulations under the NGA, any person⁴ may file a protest to the application. Protests must comply with the requirements specified in section 385.2001⁵ of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before September 20, 2024.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number CP24-514-000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

² 18 CFR 157.10(a)(4).

³ 18 CFR 385.211.

⁴ Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

⁵ 18 CFR 385.2001.

¹ 18 CFR 157.9.

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Comment on a Filing"; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number (CP24-514-000).

To file via USPS: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To file via any other courier: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov.

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,⁶ has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission

in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁷ and the regulations under the NGA⁸ by the intervention deadline for the project, which is September 20, 2024. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to-intervene.asp>.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP24-514-000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Intervention." The eFiling feature includes a document-less intervention option; for more information, visit <https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf>; or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number CP24-514-000.

To file via USPS: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To file via any other courier: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail or email at: Megan M. Emes, Senior Counsel, 6363 Main Street, Williamsville, New York 14221-5887 or

at emesm@natfuel.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed⁹ motions to intervene are automatically granted by operation of Rule 214(c)(1).¹⁰ Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.¹¹ A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website at www.ferc.gov using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Intervention Deadline: 5:00 p.m. Eastern Time on September 20, 2024.

Dated: August 30, 2024.

Debbie-Anne A. Reese,
Acting Secretary.

[FR Doc. 2024-20143 Filed 9-5-24; 8:45 am]

BILLING CODE 6717-01-P

⁹ The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

¹⁰ 18 CFR 385.214(c)(1).

¹¹ 18 CFR 385.214(b)(3) and (d).

⁷ 18 CFR 385.214.

⁸ 18 CFR 157.10.

⁶ 18 CFR 385.102(d).

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. ID-10152-000]

Myers, Franklin B.; Notice of Filing

Take notice that on August 28, 2024, Franklin B. Myers submitted for filing, application for authority to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d(b) and Part 45.8 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR part 45.8.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202-502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file

electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Comment Date: 5:00 p.m. Eastern Time on September 18, 2024.

Dated: August 30, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024-20144 Filed 9-5-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. CP14-517-002]

Golden Pass LNG Terminal, LLC; Notice of Request for Extension of Time

Take notice that on August 28, 2024, Golden Pass LNG Terminal, LLC (GPLNG) requested that the Commission grant an extension of time, until November 30, 2029, to construct and place into service its Golden Pass Export Terminal Project (Project), located in the vicinity of Sabine Pass, Texas, as authorized in the December 21, 2016 Order Granting Authorizations under Sections 3 and 7 of the Natural Gas Act (Order).¹ The Order required GPLNG to complete construction of the Project and make it available for service within five years of the date of the Order, or by December 21, 2021.

On December 11, 2019, the Commission granted GPLNG an extension of time, until November 30, 2026, to complete construction of the

Project and make it available for service.²

GPLNG states that, due to delays caused by the bankruptcy filing of the lead construction contractor, remaining schedule uncertainties related to the transition to a new lead contractor, and other possible delays outside of GPLNG's control that may occur, such as potential hurricane impacts, and for commissioning and start-up activities, that additional time is required for completing construction of the project and placing it into service.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on GPLNG's request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (NGA) (18 CFR 157.10).

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for NGA facilities when such requests are contested before order issuance. For those extension requests that are contested,³ the Commission will aim to issue an order acting on the request within 45 days.⁴ The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.⁵ The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act (NEPA).⁶ At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission

² See, Docket No. CP14-517-000, *et al.*, (December 11, 2019) (delegated letter order).

³ Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1).

⁴ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

⁵ *Id.* at P 40.

⁶ Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

¹ See *Golden Pass Products, LLC and Golden Pass Pipeline, LLC*, 157 FERC ¶ 61,222 (2016), *order amending Section 3 authorization, Golden Pass LNG Terminal, LLC*, 174 FERC ¶ 61,053 (2021).

will not re-litigate their issuance.⁷ The Director of the Office of Energy Projects, or his or her designee, will act on all of those extension requests that are uncontested.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

The Commission strongly encourages electronic filings of comments in lieu of paper using the "eFile" link at <http://www.ferc.gov>. In lieu of electronic filing, you may submit a paper copy which must reference the Project docket number.

To file via USPS: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426
To file via any other courier: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Comment Date: 5:00 p.m. Eastern Time on September 16, 2024.

Dated: August 30, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024-20142 Filed 9-5-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2853-073]

Montana Department of Natural Resources and Conservation; Notice of Availability of Final Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a new license to continue to operate and maintain the Broadwater Hydroelectric Project, located on the Missouri River in Broadwater County, Montana and has prepared a Final Environmental Assessment (FEA) for the project. The project is adjacent to and includes federal lands administered by the Bureau of Land Management.

The FEA contains staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the FEA via the internet through the Commission's Home Page (<http://www.ferc.gov>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov, or toll-free at (866) 208-3676, or for TTY, (202) 502-8659.

You may also register online at <https://ferconline.ferc.gov/eSubscription.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and

others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Any questions regarding this notice may be directed to Ingrid Brofman at (202) 502-8347 or Ingrid.brofman@ferc.gov.

Dated: August 30, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024-20145 Filed 9-5-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10853-027, 10853-030]

Otter Tail Power Company; Notice of Effectiveness of Withdrawal of Temporary Variance Request and Application for Amendment of License

On May 3, 2022, Otter Tail Power Company (licensee) filed a temporary variance request and on December 2, 2022, the licensee filed an application for non-capacity amendment of the license for the 3.238-megawatt Otter Tail River Hydroelectric Project No. 10853. On August 14, 2024, the licensee filed a notice of withdrawal of the temporary variance and amendment application. The project is located on the Otter Tail River in Otter Tail County, Minnesota.

No motion in opposition to the notice of withdrawal has been filed, and the Commission has taken no action to disallow the withdrawal. Pursuant to Rule 216(b) of the Commission's Rules of Practice and Procedure,¹ the withdrawal of the application became effective on August 29, 2024, and this proceeding is hereby terminated.

Dated: August 30, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024-20146 Filed 9-5-24; 8:45 am]

BILLING CODE 6717-01-P

⁷ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

¹ 18 CFR 385.216(b) (2023).

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: RP24–1010–000.
Applicants: NEXUS Gas Transmission, LLC.
Description: 4(d) Rate Filing; Negotiated Rates—Castleton 860576 eff 9–1–24 to be effective 9/1/2024.
Filed Date: 8/29/24.
Accession Number: 20240829–5147.
Comment Date: 5 p.m. ET 9/10/24.
Docket Numbers: RP24–1011–000.
Applicants: Crossroads Pipeline Company LLC.
Description: 4(d) Rate Filing; Name Conversion—Crossroads Pipeline Company to Crossroads Pipeline Company LLC to be effective 9/1/2024.
Filed Date: 8/29/24.
Accession Number: 20240829–5205.
Comment Date: 5 p.m. ET 9/10/24.
Docket Numbers: RP24–1012–000.
Applicants: Texas Eastern Transmission, LP.
Description: 4(d) Rate Filing; Negotiated Rates—Total K911494 eff 9–1–24 to be effective 9/1/2024.
Filed Date: 8/29/24.
Accession Number: 20240829–5242.
Comment Date: 5 p.m. ET 9/10/24.
Docket Numbers: RP24–1013–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: 4(d) Rate Filing; Negotiated Rates—Various Releases eff 9–1–24 to be effective 9/1/2024.
Filed Date: 8/30/24.
Accession Number: 20240830–5001.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1014–000.
Applicants: Florida Gas Transmission Company, LLC.
Description: 4(d) Rate Filing; Fuel Filing on 8–30–24 to be effective 10/1/2024.
Filed Date: 8/30/24.
Accession Number: 20240830–5017.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1015–000.
Applicants: NEXUS Gas Transmission, LLC.
Description: 4(d) Rate Filing; Negotiated Rates—Various Releases eff 9–1–2024 to be effective 9/1/2024.
Filed Date: 8/30/24.
Accession Number: 20240830–5049.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1016–000.

Applicants: Maritimes & Northeast Pipeline, L.L.C.
Description: 4(d) Rate Filing; Negotiated Rates—Various Releases eff 9–1–24 to be effective 9/1/2024.
Filed Date: 8/30/24.
Accession Number: 20240830–5051.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1017–000.
Applicants: Northern Natural Gas Company.
Description: 4(d) Rate Filing; 20240830 Negotiated Rate to be effective 9/1/2024.
Filed Date: 8/30/24.
Accession Number: 20240830–5064.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1018–000.
Applicants: Trunkline Gas Company, LLC.
Description: 4(d) Rate Filing; New Non-Conforming NRA with Peoples Gas to be effective 9/1/2024.
Filed Date: 8/30/24.
Accession Number: 20240830–5066.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1019–000.
Applicants: MarkWest Pioneer, L.L.C.
Description: 4(d) Rate Filing; Quarterly Fuel Adjustment Filing to be effective 10/1/2024.
Filed Date: 8/30/24.
Accession Number: 20240830–5070.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1020–000.
Applicants: Trunkline Gas Company, LLC.
Description: 4(d) Rate Filing; Non-Conforming List Update (PGS) & Negotiated Rate Filing (TECO) to be effective 9/1/2024.
Filed Date: 8/30/24.
Accession Number: 20240830–5076.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1021–000.
Applicants: MountainWest Pipeline, LLC.
Description: 4(d) Rate Filing; Change of Address and cleanup to be effective 10/1/2024.
Filed Date: 8/30/24.
Accession Number: 20240830–5080.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1022–000.
Applicants: MountainWest Overthrust Pipeline, LLC.
Description: 4(d) Rate Filing; Change of Address and Cleanup to be effective 10/1/2024.
Filed Date: 8/30/24.
Accession Number: 20240830–5082.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1023–000.
Applicants: White River Hub, LLC.
Description: 4(d) Rate Filing; Address Change and Cleanup filing to be effective 10/1/2024.

Filed Date: 8/30/24.
Accession Number: 20240830–5084.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1024–000.
Applicants: Viking Gas Transmission Company.
Description: 4(d) Rate Filing; Electric Power Cost Recovery Adjustment—Interim Filing to be effective 10/1/2024.
Filed Date: 8/30/24.
Accession Number: 20240830–5086.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1025–000.
Applicants: Florida Gas Transmission Company, LLC.
Description: 4(d) Rate Filing; New Service Agreement—Tampa Electric (TECO) to be effective 9/1/2024.
Filed Date: 8/30/24.
Accession Number: 20240830–5093.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1026–000.
Applicants: Florida Gas Transmission Company, LLC.
Description: 4(d) Rate Filing; Update Non-Conforming List—TECO to be effective 9/1/2024.
Filed Date: 8/30/24.
Accession Number: 20240830–5096.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1027–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: 4(d) Rate Filing; Neg Rate Agmt (NextEra 57658) to be effective 9/1/2024.
Filed Date: 8/30/24.
Accession Number: 20240830–5105.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1028–000.
Applicants: Kern River Gas Transmission Company.
Description: 4(d) Rate Filing; 2024 Victorville Cap Release NRG Negotiated Rate Filing to be effective 9/1/2024.
Filed Date: 8/30/24.
Accession Number: 20240830–5110.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1029–000.
Applicants: Northern Natural Gas Company.
Description: 4(d) Rate Filing; 2024 Baseline Tariffs Vol 1 and Vol 1A to be effective 9/30/2024.
Filed Date: 8/30/24.
Accession Number: 20240830–5114.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1030–000.
Applicants: Colorado Interstate Gas Company, L.L.C.
Description: Compliance filing; Operational Purchase and Sales Report 2024 to be effective N/A.
Filed Date: 8/30/24.
Accession Number: 20240830–5122.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1031–000.

Applicants: Stagecoach Pipeline & Storage Company LLC.

Description: 4(d) Rate Filing: Equinor Natural Gas LLC and EQT Energy LLC—SP396468, SP396469, SP388083, SP388082 to be effective 9/1/2024.

Filed Date: 8/30/24.

Accession Number: 20240830–5126.

Comment Date: 5 p.m. ET 9/11/24.

Docket Numbers: RP24–1032–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.

Description: 4(d) Rate Filing: Citadel/Equinor/EQT—SP396386/SP396470/SP369939 to be effective 9/1/2024.

Filed Date: 8/30/24.

Accession Number: 20240830–5130.

Comment Date: 5 p.m. ET 9/11/24.

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.

Filings in Existing Proceedings

Docket Numbers: RP11–2473–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Refund Report: Gulf South Pipeline Company, LLC submits tariff filing per 154.501: 2024 CICO Filing to be effective N/A.

Filed Date: 8/30/24.

Accession Number: 20240830–5079.

Comment Date: 5 p.m. ET 9/11/24.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available

information and navigate Commission processes.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: August 30, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–20141 Filed 9–5–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC24–115–000.

Applicants: CPV Backbone Solar, LLC, CPV Keenan II Renewable Energy Company, LLC, CPV Maple Hill Solar, LLC, CPV Saddleback Ridge Wind, LLC, CPV Stagecoach Solar, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of CPV Backbone Solar, LLC, et al.

Filed Date: 8/29/24.

Accession Number: 20240829–5267.

Comment Date: 5 p.m. ET 9/19/24.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG24–266–000.

Applicants: BPL Crown Solar LLC.
Description: BPL Crown Solar LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 8/29/24.

Accession Number: 20240829–5223.

Comment Date: 5 p.m. ET 9/19/24.

Docket Numbers: EG24–267–000.

Applicants: BPL Files Solar LLC.
Description: BPL Files Solar LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 8/29/24.

Accession Number: 20240829–5225.

Comment Date: 5 p.m. ET 9/19/24.

Docket Numbers: EG24–268–000.

Applicants: BPL Sol Solar LLC.
Description: BPL Sol Solar LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 8/29/24.

Accession Number: 20240829–5226.

Comment Date: 5 p.m. ET 9/19/24.

Docket Numbers: EG24–270–000.

Applicants: Elisabeth Solar, LLC.
Description: Elisabeth Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 8/30/24.

Accession Number: 20240830–5109.

Comment Date: 5 p.m. ET 9/20/24.

Docket Numbers: EG24–271–000.

Applicants: Sierra Pinta Energy Storage, LLC.

Description: Sierra Pinta Energy Storage, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 8/30/24.

Accession Number: 20240830–5111.

Comment Date: 5 p.m. ET 9/20/24.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2374–019.

Applicants: Puget Sound Energy, Inc.
Description: Response to 08/27/2024 Deficiency Letter of Puget Sound Energy, Inc.

Filed Date: 8/28/24.

Accession Number: 20240828–5192.

Comment Date: 5 p.m. ET 9/18/24.

Docket Numbers: ER22–282–002.

Applicants: El Paso Electric Company.
Description: Compliance filing: Compliance Filing of Settlement Agreement and Offer of Settlement to be effective 1/1/2022.

Filed Date: 8/30/24.

Accession Number: 20240830–5065.

Comment Date: 5 p.m. ET 9/20/24.

Docket Numbers: ER24–1318–000.

Applicants: Pelican Power LLC.
Description: Report Filing: Data supplement to 1 to be effective N/A.

Filed Date: 8/6/24.

Accession Number: 20240806–5078.

Comment Date: 5 p.m. ET 8/30/24.

Docket Numbers: ER24–2261–001.

Applicants: Duke Energy Carolinas, LLC, Duke Energy Progress, LLC.
Description: Tariff Amendment: Duke Energy Progress, LLC submits tariff filing per 35.17(b): DEC–DEP Revisions to Joint OATT Formula TR—Retail Deferral Adjustment to be effective 8/12/2024.

Filed Date: 8/30/24.

Accession Number: 20240830–5231.

Comment Date: 5 p.m. ET 9/20/24.

Docket Numbers: ER24–2923–000.

Applicants: Duke Energy Florida, LLC.

Description: Tariff Amendment: DEF–SECI Termination of Reimbursement Agmt RS No. 354 to be effective 10/31/2024.

Filed Date: 8/29/24.

Accession Number: 20240829–5226.

Comment Date: 5 p.m. ET 9/19/24.

Docket Numbers: ER24–2924–000.

Applicants: Boswell Wind, LLC.
Description: Baseline eTariff Filing: Baseline new COC to be effective 8/30/2024.

Filed Date: 8/29/24.
Accession Number: 20240829–5233.
Comment Date: 5 p.m. ET 9/19/24.
Docket Numbers: ER24–2925–000.
Applicants: New England Power Pool Participants Committee.

Description: 205(d) Rate Filing: Sep 2024 Membership Filing to be effective 9/1/2024.

Filed Date: 8/30/24.
Accession Number: 20240830–5000.
Comment Date: 5 p.m. ET 9/20/24.
Docket Numbers: ER24–2927–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 205(d) Rate Filing: 2024–08–30_SA 4346 NSP-Elk Creek PV I GIA (J1528 J1730) to be effective 8/19/2024.

Filed Date: 8/30/24.
Accession Number: 20240830–5061.
Comment Date: 5 p.m. ET 9/20/24.
Docket Numbers: ER24–2928–000.
Applicants: ITC Midwest LLC.
Description: 205(d) Rate Filing: Filing of Seventh Amended and Restated Interconnection Agreement to be effective 10/30/2024.

Filed Date: 8/30/24.
Accession Number: 20240830–5091.
Comment Date: 5 p.m. ET 9/20/24.
Docket Numbers: ER24–2929–000.
Applicants: Kentucky Utilities Company.

Description: 205(d) Rate Filing: APCo Second Revised Amended and Restated Borderline Service Agreement to be effective 10/30/2024.

Filed Date: 8/30/24.
Accession Number: 20240830–5092.
Comment Date: 5 p.m. ET 9/20/24.
Docket Numbers: ER24–2930–000.
Applicants: Keystone Appalachian Transmission Company, PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Keystone Appalachian Transmission Company submits tariff filing per 35.13(a)(2)(iii): KATCo submits on behalf of KATCO and MAIT IA SA No. 7182 to be effective 10/30/2024.

Filed Date: 8/30/24.
Accession Number: 20240830–5094.
Comment Date: 5 p.m. ET 9/20/24.
Docket Numbers: ER24–2931–000.
Applicants: Midcontinent Independent System Operator, Inc., Montana-Dakota Utilities Co.

Description: 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 2024–08–30 MDU Depreciation Rates 2024 to be effective 3/1/2024.

Filed Date: 8/30/24.
Accession Number: 20240830–5100.
Comment Date: 5 p.m. ET 9/20/24.
Docket Numbers: ER24–2932–000.

Applicants: Upper Missouri G. & T. Electric Cooperative, Inc.
Description: 205(d) Rate Filing: UMPC Revised Wholesale Power Contract to be effective 12/31/9998.

Filed Date: 8/30/24.
Accession Number: 20240830–5148.
Comment Date: 5 p.m. ET 9/20/24.
Docket Numbers: ER24–2935–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: 205(d) Rate Filing: Amendment to Rate Schedule FERC No. 357 to be effective 9/1/2024.

Filed Date: 8/30/24.
Accession Number: 20240830–5153.
Comment Date: 5 p.m. ET 9/20/24.
Docket Numbers: ER24–2936–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 205(d) Rate Filing: 2024–08–30_Michigan Joint Zone Agreements Revisions to be effective 11/1/2024.

Filed Date: 8/30/24.
Accession Number: 20240830–5174.
Comment Date: 5 p.m. ET 9/20/24.
Docket Numbers: ER24–2937–000.
Applicants: Elisabeth Solar, LLC.
Description: Baseline eTariff Filing: Market-Based Rate Application to be effective 10/30/2024.

Filed Date: 8/30/24.
Accession Number: 20240830–5178.
Comment Date: 5 p.m. ET 9/20/24.
Docket Numbers: ER24–2938–000.
Applicants: Sierra Pinta Energy Storage, LLC.

Description: Baseline eTariff Filing: Market-Based Rate Application to be effective 10/30/2024.
Filed Date: 8/30/24.
Accession Number: 20240830–5181.
Comment Date: 5 p.m. ET 9/20/24.
Docket Numbers: ER24–2939–000.
Applicants: The United Illuminating Company.

Description: 205(d) Rate Filing: Volume No. 1, Wholesale Distribution Access Tariff to be effective 10/30/2024.
Filed Date: 8/30/24.

Accession Number: 20240830–5229.
Comment Date: 5 p.m. ET 9/20/24.
Docket Numbers: ER24–2940–000.
Applicants: RE Scarlet LLC.
Description: Baseline eTariff Filing: LGIA Co-Tenancy Agreement and Request for Waivers and Blanket Authorization to be effective 8/31/2024.

Filed Date: 8/30/24.
Accession Number: 20240830–5238.
Comment Date: 5 p.m. ET 9/20/24.
Docket Numbers: ER24–2941–000.
Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation—WMPA Service Agreement No. 6187; Queue No. AF2–314 to be effective 10/30/2024.

Filed Date: 8/30/24.
Accession Number: 20240830–5252.
Comment Date: 5 p.m. ET 9/20/24.
Docket Numbers: ER24–2942–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Notice of Cancellation—WMPA Service Agreement No. 7005; Queue No. AG1–099 to be effective 10/30/2024.

Filed Date: 8/30/24.
Accession Number: 20240830–5259.
Comment Date: 5 p.m. ET 9/20/24.
Docket Numbers: ER24–2943–000.
Applicants: PJM Interconnection, L.L.C.
Description: 205(d) Rate Filing: Original GIA, SA No. 7336; Project Identifier No. AE2–298 to be effective 8/2/2024.

Filed Date: 8/30/24.
Accession Number: 20240830–5275.
Comment Date: 5 p.m. ET 9/20/24.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR24–6–000.
Applicants: North American Electric Reliability Corporation, SERC Reliability Corporation.

Description: Joint Petition of North American Electric Reliability Corporation and SERC Reliability Corporation for Approval of Amendments to the Bylaws of SERC Reliability Corporation.

Filed Date: 8/29/24.
Accession Number: 20240829–5247.
Comment Date: 5 p.m. ET 9/12/24.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

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The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including

landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Dated: August 30, 2024.

Debbie-Anne A. Reese,
Acting Secretary.

[FR Doc. 2024-20140 Filed 9-5-24; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OP-OFA-142]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202-564-5632 or <https://www.epa.gov/nepa>. Weekly receipt of Environmental Impact Statements (EIS)

Filed August 26, 2024 10 a.m. EST

Through August 30, 2024 10 a.m. EST
Pursuant to 40 CFR 1506.9.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search>.

EIS No. 20240155, Final, USFWS, AZ, ADOPTION—Four-Forest Restoration Initiative Coconino and Kaibab National Forests, Review Period Ends: 10/07/2024, Contact: Nicole Jimenez 505-248-7466.

The Fish and Wildlife Service (USFWS) has adopted the Department of Agriculture's Final EIS No. 20140346 filed 11/28/2014 with the Environmental Protection Agency. The USFWS was not a cooperating agency on this project. Therefore, republication of the document is necessary under Section 1506.3(b)(1) of the CEQ regulations.

EIS No. 20240156, Final, GSA, AK, Alcan Land Port of Entry Expansion and Modernization Final Environmental Impact Statement Alcan, Alaska, Review Period Ends: 10/07/2024, Contact: Aaron Evanson 206-445-5876.

EIS No. 20240157, Draft, BLM, NV, Bonanza Solar Project, Comment Period Ends: 12/05/2024, Contact: Brian L. Buttazoni 775-861-6491.

EIS No. 20240158, Draft, OSM, MT, Spring Creek Mine, Comment Period Ends: 10/21/2024, Contact: Marcelo Calle 303-236-2929.

EIS No. 20240159, Final, NOAA, CA, Chumash Heritage National Marine Sanctuary, Review Period Ends: 10/07/2024, Contact: Laura Ingulsrud 831-583-8857.

EIS No. 20240160, Final, USFS, ID, Stibnite Gold Project, Review Period Ends: 10/07/2024, Contact: Richard Rymerson 505-632-2956.

EIS No. 20240161, Draft, NRC, OH, Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 61, Regarding Perry Nuclear Power Plant, Unit 1, Draft Report (NUREG-1437), Comment Period Ends: 10/21/2024, Contact: Lance Rakovan 301-415-2589.

Dated: August 30, 2024.

Timothy Witman,
Acting Director, NEPA Compliance Division,
Office of Federal Activities.

[FR Doc. 2024-20091 Filed 9-5-24; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS24-15]

Appraisal Subcommittee Notice of Meeting

AGENCY: Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 1104(b) of title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, notice is hereby given that the Appraisal Subcommittee (ASC) will meet in open session for its regular meeting:

Location: This will be a virtual meeting via Webex. Please visit the agency's homepage (www.asc.gov) and access the provided registration link in the News and Events section. You MUST register in advance to attend this Meeting.

Date: September 11, 2024.

Time: 10:00 a.m. ET.

Status: Open.

Reports

Chair
Executive Director
Delegated State Compliance Reviews
Grants Director
Financial Manager
Notation Vote

Action and Discussion Items

Approval of Minutes

June 12, 2024 Quarterly Meeting Minutes

Policy on Monitoring and Reviewing the Appraisal Foundation Fiscal Year 2025 ASC Budget Proposal

How To Attend and Observe an ASC Meeting

The meeting will be open to the public via live webcast only. Visit the agency's homepage (www.asc.gov) and access the provided registration link in the News and Events section. The meeting space is intended to accommodate public attendees. However, if the space will not accommodate all requests, the ASC may refuse attendance on that reasonable basis. The use of any video or audio tape recording device, photographing device, or any other electronic or mechanical device designed for similar purposes is prohibited at ASC Meetings.

Loretta Schuster,

Management & Program Analyst.

[FR Doc. 2024-20049 Filed 9-5-24; 8:45 am]

BILLING CODE 6700-01-P

FEDERAL MEDIATION AND CONCILIATION SERVICE

Intent To Request Revision From OMB of One Current Public Collection of Information: FMCS F-7 Notice

AGENCY: Federal Mediation and Conciliation Service (FMCS).

ACTION: 60-Day notice and request for comments.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS) invites public comment on one current Information Collection Request (ICR), abstracted below, that we will submit to the Office of Management and Budget (OMB) for approval in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The purpose of the collection is to facilitate a reporting requirement to FMCS by labor or management practitioners under the National Labor Relations Act (NLRA) in an effort to utilize federal mediation to prevent or minimize disruption to the community that could arise from a labor/management dispute.

DATES: Comments must be submitted on or before November 5, 2024.

ADDRESSES: You may submit comments, identified by the FMCS F-7 Notice, through one of the following methods:

- *Email:* register@fmcs.gov;
- *Mail:* Office of the General Counsel, One Independence Square, 250 E. St. SW, Washington, DC, 20427. Please note that at this time, mail is sometimes delayed. Therefore, we encourage emailed comments.

FOR FURTHER INFORMATION CONTACT:

Karen Pierce, kpierce@fmcs.gov, (202) 302-6499.

SUPPLEMENTARY INFORMATION: A copy of the Agency's form, FMCS F-7 Notice, is available here.

I. Request for Comments

FMCS solicits comments to:

i. Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

ii. Enhance the accuracy of the agency's estimates of the burden of the proposed collection of information.

iii. Enhance the quality, utility, and clarity of the information to be collected.

iv. Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic collection technologies or other forms of information technology.

II. Information Collection Request

Agency: Federal Mediation and Conciliation Service.

Title: FMCS F-7 Notice.

OMB Number: 3076-0004.

Type of Request: Revision of a currently approved collection.

Affected Public: Private Sector to include farms and not-for-profit institutions.

Frequency: On occasion.

Burden: The total annual burden estimate is that FMCS will receive requests from approximately 25,000 respondents per year, one response per event. The form takes about 10 minutes to complete.

Information Collection Requirement:

Purpose and Description of Data Collection

To facilitate a reporting requirement to FMCS by labor or management practitioners under the National Labor Relations Act (NLRA), 29 U.S.C. 158(d)(3), in an effort to utilize federal mediation to prevent or minimize disruption to the community that could arise from a labor/management dispute.

Use of Results

The Agency uses the collected information to contact the chief negotiators in the dispute to evaluate

the progress of the negotiations and determine if mediation would be beneficial and monitor or become involved in the negotiations to possibly avoid or minimize disruption to the community. FMCS receive notices electronically through its public website.

III. The Official Record

The official records are electronic records.

Dated: August 23, 2024.

Alisa Zimmerman,

Deputy General Counsel.

[FR Doc. 2024-19368 Filed 9-3-24; 11:15 am]

BILLING CODE 6732-01-P

FEDERAL RESERVE SYSTEM**Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company**

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW,

Washington, DC 20551-0001, not later than September 23, 2024.

A. Federal Reserve Bank of St. Louis (Holly A. Rieser, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166-2034. Comments can also be sent electronically to Comments.applications@stls.frb.org:

1. *J. Joseph Crawford Declaration of Trust, dated January 3, 2020, Connie N. Crawford as trustee, both of Pinckneyville, Illinois, and Brian Crawford, Missouri City, Texas;* as the W.K. Crawford Family Group, a group acting in concert, to retain voting shares of Murphy-Wall Bancorp, Inc., and thereby indirectly retain voting shares of Murphy-Wall State Bank and Trust Company, both of Pinckneyville, Illinois.

2. *Matthew D. Bigham, individually and as family advisor of The Phyllis E. Crawford Testamentary Trust Created Under the Last Will and Testament of Robert J. Crawford, dated August 12, 1990, both of Waterloo, Illinois; Regions Bank, as corporate trustee, Birmingham, Alabama; Nancy Bigham, Pinckneyville, Illinois; and Janet L. Evans, Lexington, Kentucky;* as the Robert J. Crawford Family Group, a group acting in concert, to retain voting shares of Murphy-Wall Bancorp, Inc., and thereby indirectly retain voting shares of Murphy-Wall State Bank and Trust Company, both of Pinckneyville, Illinois.

B. Federal Reserve Bank of Minneapolis (Mark Rauzi, Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291. Comments can also be sent electronically to MA@mpls.frb.org:

1. *Bruns Family Trust, Shirley Bruns, as trustee, both of Annandale, Minnesota;* to join the Bruns Family Control Group, a group acting in concert, to retain voting shares of Lake Central Financial, Inc., and thereby indirectly retain voting shares of Lake Central Bank, both of Annandale, Minnesota.

2. *Dennis J. Vogel, La Crosse, Wisconsin;* to join the Bosshard Family Group, a group acting in concert, to retain voting shares of Clayton Bankshares, Inc., and thereby indirectly retain voting shares of Citizens State Bank—La Crosse, both of La Crosse, Wisconsin.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2024-20136 Filed 9-5-24; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[Notice–P–2024–01; Docket No. 2024–0002;
Sequence No. 37]

Notice of Availability of a Final Environmental Impact Statement for the Alcan Land Port of Entry Expansion and Modernization in Alcan, Alaska

AGENCY: Public Buildings Service, U.S.
General Services Administration (GSA).

ACTION: Notice of Availability (NOA).

SUMMARY: This notice announces the availability of a Final Environmental Impact Statement (FEIS) that analyzes the potential environmental effects from the proposed expansion and modernization of the Alcan Land Port of Entry (LPOE) in Alcan, Alaska.

DATES: The FEIS Wait Period begins with publication of this NOA in the **Federal Register** and will last for 30 days until October 7, 2024. Comments related to the FEIS must be received by the last day of the Wait Period (see **ADDRESSES** section of this NOA for how to submit comments). After the Wait Period, GSA will select an alternative and issue the Record of Decision (ROD).

ADDRESSES: Comments on the Alcan LPOE FEIS may be submitted by one of the following methods:

- **Mail:** U.S. General Services Administration, Attention: Aaron Evanson, Capital Project Manager, 1301 A Street, Suite 610, Tacoma, WA 98402.

- **Email:** AlcanLPOE@gsa.gov. Include “Alcan FEIS” in the subject line.

Comments sent by any other method or to any other address or individual may not be considered by GSA. All comments received are part of the public record. 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. GSA will accept anonymous comments.

FOR FURTHER INFORMATION CONTACT: Aaron Evanson, Capital Project Manager, AlcanLPOE@gsa.gov or 206–445–5876.

SUPPLEMENTARY INFORMATION: The Alcan LPOE is located at Milepost 1221.8 on the Alaska Highway, 0.43 miles from the U.S./Canada Border. The existing Alcan LPOE is owned and managed by GSA and is operated by the U.S. Department of Homeland Security’s Customs and Border Protection (CBP). The Alcan LPOE is the only 24-hour port serving privately-owned vehicles (POVs) and commercial traffic between the Yukon

Territory, Canada, and mainland Alaska. GSA is the lead agency for this EIS and the Native Village of Northway is a cooperating agency. Additional information and an electronic copy of the FEIS may be found at www.gsa.gov/alcan.

GSA proposes to build an expanded and modernized LPOE and new housing units at Alcan, Alaska, to replace the existing facilities. The FEIS describes the purpose and need for the proposed project, the alternatives considered, the existing environment that could be affected, the potential impacts resulting from each of the alternatives, and proposed best management practices and mitigation measures.

GSA evaluated two alternatives in the FEIS: (1) Alternative 1, which involves the construction of a new, expanded replacement LPOE at the existing LPOE site, and (2) the No Action Alternative, which assumes the existing LPOE would continue to operate under current conditions and the construction of a new or expanded LPOE would not occur. GSA’s preferred alternative is Alternative 1, which is also the environmentally preferred alternative.

The purpose of the project is to provide an updated LPOE to support CBP’s mission. Accomplishing this purpose would increase operational efficiency, effectiveness, security, sustainability, safety, and comfort for cross-border travelers and federal employees at the Alcan LPOE. The project is needed to update the current facilities which are over 50 years old and cannot effectively support CBP infrastructure, enforcement operations, public and employee safety, and housing needs.

GSA identified one action alternative that meets the stated purpose and need of the proposed project and thus has been analyzed in detail in the FEIS. Alternative 1 consists of expanding and modernizing the existing Alcan LPOE and would include: site preparation and grading; construction of a new Main LPOE Building, enclosed inspection vehicle spaces, new housing units with improved security measures, an indoor firing range, and a helicopter landing zone; and demolition of the existing LPOE structures. GSA would need authorization for use of up to 6.5 acres extending into the Tetlin NWR for the proposed helicopter landing zone.

All facility and infrastructure improvements proposed under Alternative 1 would incorporate a sustainable, climate-resilient, cyber-secure, and operationally efficient design. GSA would seek to meet or exceed energy and sustainability goals established by federal guidelines and

policies, along with industry standard building codes and best practices.

There would be approximately 15 acres of temporary ground disturbance and 5 acres of permanent ground disturbance under Alternative 1. Approximately 5 acres would be used as a staging area during construction. There are currently 8 acres of impermeable surfaces at the LPOE; expansion and modernization would add approximately 4 acres of impervious surfaces. Given the seasonal constraints of construction work in Alaska, Alternative 1 would likely follow a six-year implementation timeline, which would be phased to avoid disruption to LPOE operations.

GSA also evaluated a No Action alternative, which assumes that expansion or modernization of the LPOE would not occur and that port operations would continue under current conditions. The No Action alternative does not meet the stated purpose and need of the proposed project.

The FEIS addresses the potential environmental impacts of the alternatives on environmental resources including land use; geology, topography, and soils; water resources; biological resources; cultural and tribal resources; environmental justice; socioeconomic; recreation; visual resources; noise and vibrations; solid and hazardous waste and materials; and climate change. Based on the analysis presented in the FEIS, which considered and incorporated input from the public comments received on the Draft EIS, impacts for all resource areas would be less-than-significant (i.e., negligible, minor, or moderate). Measures to reduce potential adverse effects are presented in the FEIS.

The FEIS was prepared in compliance with the NEPA, as amended (42 United States Code [U.S.C.] *et seq.*), which requires federal agencies to examine the impacts of their proposed projects or actions on the human and natural environment and consider alternatives to the proposal before deciding on taking an action. The FEIS complies with the 2020 Council on Environmental Quality (CEQ) NEPA regulations (40 Code of Federal Regulations [CFR] § 1500–1508), as modified by the Phase I 2022 revisions. The effective date of the 2022 revisions was May 20, 2022, and reviews that began after this date are required to apply the 2020 regulations as modified by the Phase I revisions unless there is a clear and fundamental conflict with an applicable statute. The EIS effort began on January 10, 2023, and accordingly proceeds under the 2020 regulations as

modified by the Phase I revisions. In addition, the FEIS also complies with the GSA Public Buildings Service NEPA Desk Guide and other relevant federal and state laws and regulations and executive orders and integrates the consultation processes required under Section 106 of the National Historic Preservation Act and Section 7 of the Endangered Species Act with the NEPA process.

Anamarie Crawley,

*Director, R10 Facilities Management Division
Northwest/Arctic Region 10 U.S. General
Services Administration.*

[FR Doc. 2024-19122 Filed 9-5-24; 8:45 am]

BILLING CODE 6820-DL-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Meeting of the Community Preventive Services Task Force (CPSTF)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: The Centers for Disease Control and Prevention, within the Department of Health and Human Services, announces the next meeting of the Community Preventive Services Task Force (CPSTF) on October 16-17, 2024.

DATES: The meeting will be held on Wednesday, October 16, 2024, from 9 a.m. to 5 p.m. EDT, and Thursday, October 17, 2024, from 9 a.m. to 5 p.m. EDT.

ADDRESSES: The meeting will be available to the public via web conference.

FOR FURTHER INFORMATION CONTACT:

Kenya Turner, Office of Science, Office of Scientific Evidence and Recommendations, Community Guide Program; Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS-H21-10, Atlanta, GA 30329. Telephone: (404) 718-4592; Email: CPSTF@cdc.gov.

SUPPLEMENTARY INFORMATION:

Meeting Accessibility: The CPSTF meeting will be shown via web conference.

All meeting attendees must register by October 9, 2024. CDC will email web conference login information and the agenda to registrants from the CPSTF@cdc.gov mailbox approximately two weeks before the meeting start date.

To register for the meeting, individuals should send an email to CPSTF@cdc.gov and include the following information: name, title, organization name, organization address, phone, and email.

Public Comment: Individuals who would like to make public comments during the October meeting must state their desire to do so in an email to the CPSTF@cdc.gov mailbox no later than October 9, 2024. The request should include name, organizational affiliation, and topic to be addressed. Public comment must be relevant to one of the topics proposed for the meeting. The requestor will receive instructions related to the public comment process for this meeting after the request is received. A public comment period follows the CPSTF's discussion of each systematic review and will be limited to no more than three minutes per person. Public comments may be used to inform task force discussions and will be included in the meeting summary.

Background on the CPSTF: The CPSTF is an independent, nonfederal panel whose members are appointed by the CDC Director. CPSTF members represent a broad range of research, practice, and policy expertise in prevention, wellness, health promotion, and public health. The CPSTF was convened in 1996 by HHS to identify community preventive programs, services, and policies that increase health and longevity, save lives and dollars, and improve Americans' quality of life. CDC is mandated to provide ongoing administrative, research, and technical support for the operations of the CPSTF. During its meetings, the CPSTF considers the findings of systematic reviews of existing research and practice-based evidence and issues recommendations. CPSTF recommendations are not mandates for compliance or spending. Instead, they provide information about evidence-based options that decision makers and affected community members can consider when they are determining what best meets the specific needs, preferences, available resources, and constraints of their jurisdictions and constituents. The CPSTF's recommendations, along with the systematic reviews of the evidence on which they are based, are compiled on the Community Guide website (www.thecommunityguide.org).

Matters proposed for discussion: The agenda will consist of deliberation on systematic reviews of literature. Topics proposed for the October 2024 meeting include substance use, injury prevention, and social determinants of health. Changes regarding the start and

end times for each day, and any updates to agenda topics, will be available on the Community Guide website (www.thecommunityguide.org) closer to the date of the meeting.

The meeting agenda is subject to change without notice.

Noah Aleshire,

Chief Regulatory Officer, Centers for Disease Control and Prevention.

[FR Doc. 2024-20072 Filed 9-5-24; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA-2019-E-1173 and FDA-2019-E-1156]

Determination of Regulatory Review Period for Purposes of Patent Extension; STEGLUJAN

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for STEGLUJAN and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect may submit either electronic or written comments and ask for a redetermination by November 5, 2024. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by March 5, 2025. See "Petitions" in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 5, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket Nos. FDA-2019-E-1173 and FDA-2019-E-1156 for "Determination of Regulatory Review Period for Purposes of Patent Extension; STEGLUJAN." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two

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

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

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6200, Silver Spring, MD 20993, 301-796-3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biological product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product, STEGLUJAN (ertugliflozin and sitagliptin) indicated as an adjunct to diet and exercise to improve glycemic control in adults with type 2 diabetes mellitus when treatment with both ertugliflozin and sitagliptin is appropriate. Subsequent to this approval, the USPTO received a patent term restoration application for STEGLUJAN (U.S. Patent Nos. 9,308,204 and 9,439,901) from Pfizer Inc., and the USPTO requested FDA's assistance in determining the patent's eligibility for patent term restoration. In a letter dated June 12, 2019, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of STEGLUJAN represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for STEGLUJAN is 2,976 days. Of this time, 2,610 days occurred during the testing phase of the regulatory review period, while 366 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* October 28, 2009. The applicant claims October 29, 2009, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was October 28, 2009,

which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the FD&C Act:* December 19, 2016. FDA has verified the applicant's claim that the new drug application (NDA) for STEGLUJAN (NDA 209805) was initially submitted on December 19, 2016.

3. *The date the application was approved:* December 19, 2017. FDA has verified the applicant's claim that NDA 209805 was approved on December 19, 2017.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 415 days or 424 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to <https://www.regulations.gov> at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: September 3, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–20150 Filed 9–5–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–3969]

Cardiovascular and Renal Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments—New Drug Application 215244 for Elamipretide Hydrochloride Injection

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Cardiovascular and Renal Drugs Advisory Committee (the Committee). The general function of the Committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on October 10, 2024, from 8:15 a.m. to 5:30 p.m. Eastern Time.

ADDRESSES: The public may attend the meeting at the FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. The public will also have the option to participate, and the advisory committee meeting will be heard, viewed, captioned, and recorded through an online teleconferencing and/or video conferencing platform.

Answers to commonly asked questions about FDA advisory committee meetings, including information regarding special accommodations due to a disability, visitor parking, and transportation, may be accessed at: <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>.

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2024–N–3969. The docket will close on October 9, 2024. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of October 9, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Comments received on or before September 26, 2024, will be provided to

the Committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is canceled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA–2024–N–3969 for “Cardiovascular and Renal Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments—New Drug Application 215244 for Elamipretide Hydrochloride Injection.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for

those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

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

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

FOR FURTHER INFORMATION CONTACT: LaToya Bonner, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–2855, email: CRDAC@fda.hhs.gov, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last-minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to

provide timely notice. Therefore, you should always check FDA’s website at <https://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The Committee will discuss new drug application (NDA) 215244, for elamipretide hydrochloride injection, submitted by Stealth BioTherapeutics Inc., for the treatment of Barth syndrome.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA’s website at the time of the advisory committee meeting. Background material and the link to the online teleconference and/or video conference meeting will be available at the location of the advisory committee meeting and at <https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link. The online presentation of materials will include slide presentations with audio and video components in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. All electronic and written submissions to the Docket (see **ADDRESSES**) on or before September 26, 2024, will be provided to the Committee. Oral presentations from the public will be scheduled between approximately 1:15 p.m. to 2:15 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, whether they would like to present online or in-person, and an indication of the approximate time requested to make their presentation on or before September 18, 2024. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open

public hearing session. Similarly, room for interested persons to participate in-person may be limited. If the number of registrants requesting to speak in-person during the open public hearing is greater than can be reasonably accommodated in the venue for the in-person portion of the advisory committee meeting, FDA may conduct a lottery to determine the speakers who will be invited to participate in-person. The contact person will notify interested persons regarding their request to speak by September 19, 2024. Persons attending FDA’s advisory committee meetings are advised that FDA is not responsible for providing access to electrical outlets.

For press inquiries, please contact the Office of Media Affairs at fdaoma@fda.hhs.gov or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact LaToya Bonner (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. 1001 *et seq.*). This meeting notice also serves as notice that, pursuant to 21 CFR 10.19, the requirements in 21 CFR 14.22(b), (f), and (g) relating to the location of advisory committee meetings are hereby waived to allow for this meeting to take place using an online meeting platform in conjunction with the physical meeting room (see location). This waiver is in the interest of allowing greater transparency and opportunities for public participation, in addition to convenience for advisory committee members, speakers, and guest speakers. The conditions for issuance of a waiver under 21 CFR 10.19 are met.

Dated: August 30, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–20062 Filed 9–5–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2024-N-3675]

Agency Information Collection Activities; Proposed Collection; Comment Request; Pharmaceutical Distribution Supply Chain; Drug Supply Chain Security

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. 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 of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collections applicable to the Pharmaceutical Distribution Supply Chain, provided for in Subchapter H of Federal Food, Drug, and Cosmetic Act (FD&C Act).

DATES: Either electronic or written comments on the collection of information must be submitted by November 5, 2024.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 5, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or

anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2024-N-3675 for "Agency Information Collection Activities; Proposed Collection; Comment Request; Pharmaceutical Distribution Supply Chain; Drug Supply Chain Security." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly

available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

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

FOR FURTHER INFORMATION CONTACT:

Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10 a.m.–12 p.m., 11601 Landsdown St., North Bethesda, MD 20852, 301-796-5733, PRAStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "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 provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance

the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Pharmaceutical Distribution Supply Chain; Drug Supply Chain Security

OMB Control Number 0910–0806—Revision

This information collection helps support implementation of sections 581 and 582 (21 U.S.C. 360eee and U.S.C. 360eee–1) of the Federal Food, Drug, and Cosmetic Act (FD&C Act), which govern the pharmaceutical distribution supply chain. Definitions set forth in section 581 of the FD&C Act prescribe specific activities that apply to the individuals identified in section 582, including recordkeeping requirements intended to effectuate the tracing of certain pharmaceutical drugs as they are distributed within the United States. The recordkeeping provisions expressly provided for in sections 582(b) through (e) of the FD&C Act cover tasks associated with product identification, product tracing, transaction data, record verification, and disclosures (exchange) of information. Submissions to FDA, as provided for in section 582, include making specific product notifications, requesting exemption and/or waiver from any of the statutory requirements, and requesting termination of a notification in consultation with FDA.

The requirements of section 582 of the FD&C Act included in the information collection are self-executing. We regard most of the information collection activities required by the statute to be usual and customary recordkeeping activities by respondents and have therefore excluded from our estimated burden the time, effort, and financial resources attributable to those activities consistent with 5 CFR 1320.3(b)(2). Additionally, we note that some respondents are also subject to related reporting, recordkeeping, and disclosure requirements applicable under the Controlled Substances Act, for which currently active information collection approvals are maintained by the Department of Justice's Drug Enforcement Administration. At the same time, we account for notifications submitted to FDA, and estimate recordkeeping burden attributable to activities corresponding with illegitimate product notifications, including coordination of investigations of suspect products, among trading partners, as required by the statute.

To assist respondents with submitting specific product notifications to FDA regarding illegitimate product and product with a high-risk of illegitimacy, we have developed and utilize Form FDA 3911 entitled “Drug Notification” and the corresponding instructional document “INSTRUCTIONS FOR COMPLETION OF FORM FDA 3911—DRUG NOTIFICATION.” Instruction regarding the submission of Form FDA 3911 using the Center for Drug Evaluation and Research “NextGen” portal is available from our website at <https://www.fda.gov/drugs/drug-supply-chain-security-act-dcsa/notify-fda-illegitimate-products>. Form FDA 3911 is intended to provide a uniform format for initial notifications, followup notifications, and requests for the termination of a notification. We believe followup activities regarding suspect and/or illegitimate drug products includes information obtained during the conduct of an official Agency investigation and thus not covered by the PRA. Please see 5 CFR 1320.4(a)(2) and FDA “General Enforcement Regulations” in 21 CFR part 1. We have revised Form FDA 3911, and the instructions for completing the form, to add a new field requesting information about the geographic location of the incident that is the subject of the notification.

We have also published guidance documents, as provided for in section 582 of the FD&C Act, developed specifically to facilitate the efficient adoption of secure interoperable product tracing at the package level by respondents. The guidance documents discuss the recordkeeping activities expressly provided for in section 582 of the FD&C Act. To date we have developed and issued the following guidance documents:

- “DSCSA Standards for the Interoperable Exchange of Information for Tracing of Certain Human, Finished, Prescription Drugs” guidance (2023 Standards for Interoperable Exchange Guidance) (September 6, 2023).
- “Standardization of Data and Documentation Practices for Product Tracing” draft guidance (Standardization of Data Guidance) (February 28, 2018).
- “Enhanced Drug Distribution Security at the Package Level Under the Drug Supply Chain Security Act” guidance (Enhanced Drug Distribution Security Guidance) (August 31, 2023).
- “Verification Systems Under the Drug Supply Chain Security [DSCSA] Act for Certain Prescription Drugs” guidance (Verification Guidance) (December 7, 2023).

- “Definitions of Suspect Product and Illegitimate Product for Verification Obligations Under the Drug Supply Chain Security Act” guidance (Definitions Guidance) (March 16, 2023).

- “Product Identifiers Under the Drug Supply Chain Security Act—Questions and Answers” guidance (Product Identifier Guidance) (June 3, 2021).

- “Drug Supply Chain Security Act Implementation: Identification of Suspect Product and Notification” guidance (Suspect Product Guidance) (June 6, 2021).

- “Waivers, Exceptions, and Exemptions from the Requirements of Section 582 of the Federal Food, Drug, and Cosmetic Act” guidance (Waivers Guidance) (August 4, 2023).

All Agency guidance documents are issued in accordance with our Good Guidance Practice regulations in 21 CFR 10.115, which provide for public comment at any time. We maintain a searchable guidance database on our website at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents> that utilizes topic specific search terms.

We also maintain a web page at <https://www.fda.gov/drugs/drug-supply-chain-security-act-dcsa/fdas-implementation-drug-supply-chain-security-act-dcsa-requirements> that communicates FDA's ongoing implementation of the DSCSA requirements. Since DSCSA enactment on November 27, 2013, FDA has established a public docket to receive information and comments on DSCSA standards for the electronic tracking system, including comments regarding paper and electronic formats of information. In 2018, we initiated a pilot project, consistent with section 582(j) of the FD&C Act and approved in OMB control number 0910–0859, focusing on system attributes and demonstrating interoperability. Since completion of the pilot project, we continue to focus on the interoperability of the electronic systems described in section 582 of the FD&C Act and have revised this information collection to capture standardized transaction information.

Respondents to the information collection are manufacturers, wholesale distributors, dispensers, and repackagers of pharmaceutical drug products, as defined in section 581 of the FD&C Act and identified in section 582(a)(1) of the FD&C Act. Based on Agency data, we assume 70,000 respondents: 1,230 manufacturers and 170 repackagers, (1,400 cumulatively); 1,600 distributors; and 67,000

dispensars (including online and chain pharmacies).

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

21 U.S.C. 360eee–1(b)–(e); information collection	Number of respondents	Number of responses per respondent	Total annual responses	Average time per response (in hours)	Total hours
Notifications of illegitimate product: Form FDA 3911	500	28.2	14,100	8	112,800
Consultation/Requests for termination of notification of illegitimate product (Suspect Product Guidance, sec. IV.B)	500	1	500	1	500
Requests for waiver, exception or exemption, including material changes and renewals (Waivers Guidance, sec. III)	20	1	20	81	1,620
Total .....	.....	.....	14,620	.....	114,920

As reflected in table 1, reporting activities include the submission of notifications to FDA regarding illegitimate product and product with a high-risk of illegitimacy using Form FDA 3911. We believe the burden that may be incurred from providing FDA with followup information that may be necessary with regard to suspect and/or illegitimate products is excluded from our accounting in accordance with 5

CFR 1320.3(c) because such followup would entail reporting activities that are usual and customary, and we have therefore not included this activity in our estimate of burden. Reporting activities also include requests for termination of a notification in consultation with FDA, using Form FDA 3911. FDA may request any additional information it determines necessary to complete the consultation. Finally, an

authorized trading partner or other stakeholder seeking a waiver, exception, or exemption from requirements of section 582 of the FD&C Act may submit a request to FDA, or a request for material changes to or renewal of an approved initial request. These requests are also included in the scope of reporting activities.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN ^{1 2}

21 U.S.C. 360eee–1(b)–(e); information collection activity	Number of respondents	Number of records per respondent	Total annual records	Average burden per record (in hours)	Total hours
Documenting transaction (T3) information	70,000	1M	70,000,000,000	0.0000017	119,000
Disclosing illegitimate product notifications and terminations to trading partners	500	620	310,000	6	1,860,000
Product identification & information exchange: encoding packages and homogeneous cases with product identifier; exchange of information only w/authorized trading partners.	1,400	3,125,000	4,300,000,000	0.00007	301,000
Verification: identify and investigate suspect product, coordinate with other trading partners, quarantine product, notify FDA of suspect product that is not determined to be illegitimate product	30,125	8	241,000	0.62	149,420
Total .....	.....	.....	74,300,551,000 (~74.3B)	.....	2,429,420

¹ The recordkeeping requirement includes the requirement to retain, notify third parties, the Federal government, or the public of the existence of such records; disclose such records to third parties, the Federal government, or the public; or report to third parties, the Federal government, or the public regarding such records. See 44 U.S.C. 3502(13); 5 CFR 1320.3(m).

² We regard activities established in section 582(b)–(e) of the FD&C Act (21 U.S.C. 360eee–1(b)–(e)) to be usual and customary for respondents to the information collection.

As reflected in table 2, the provisions in sections 582(b) through (e) require ongoing recordkeeping that documents product identification, tracing information, and verification activities. Records are to be produced to FDA within 24 hours of a request, consistent with section 582 of the FD&C Act. Each category of respondent (manufacturer, distributor, wholesaler, repackager) may expend varying degrees of time, effort, or financial resources to generate, maintain, retain, notify, or disclose such

records commensurate with the corresponding tasks prescribed for that category. Data elements required to be documented and disclosed are defined in section 581 and set forth in section 582 of the FD&C Act. A significant portion of recordkeeping activity pertains to product identification and product tracing. Verification activities comprise another significant portion of activity, where respondents expend time, effort, or financial resources respective to their role. Although we

have quantified what we believe to be the average amount of time, effort, or financial resources expended cumulatively by respondents, we regard these recordkeeping activities as usual and customary and exclude them from our burden estimate, consistent with 5 CFR 1320.3(b)(2).

Product Tracing and Product Identification

Information exchange activities with authorized trading partners as contemplated by section 582 of the

FD&C Act include: (1) providing the transaction information, the transaction history (when applicable), and transaction statement (T3) to the subsequent purchaser, providing relevant transaction information, transaction history, and transaction statement upon a request for information from FDA or other appropriate Federal or State officials if a recall or investigation of suspect or illegitimate product occurs, and, after the Statutory Date, facilitating the gathering of information necessary to produce the transaction information for each transaction¹ going back to the manufacturer at an authorized trading partner's request, or at the request of FDA or other appropriate Federal or State officials; and (2) capturing and maintaining transaction information, transaction history, and transaction statements for each transaction for not less than 6 years after the transaction. Product identification activities include the requirement that manufacturers and repackagers affix or imprint a product identifier to each package and homogeneous case of products that they intend to be introduced in a transaction into commerce and that they maintain product identifier information for each package and homogeneous case of product for not less than 6 years.

Verification Activities

Verification activities include: (1) coordinating with other trading partners during an investigation of a suspect product to determine whether the product is illegitimate; (2) for manufacturers and repackagers, responding to trading partners' requests for verification of product identifiers; (3) maintaining records of suspect product investigations and disposition of illegitimate product for not less than 6 years; (4) identifying suspect product; (5) quarantining suspect and illegitimate product; (6) investigating suspect product; (7) notifying FDA of suspect product that is determined not to be illegitimate product (when applicable); (8) processing saleable returns; and (9) establishing systems and processes to comply with all of these requirements.

We assume manufacturers, repackagers and wholesale distributors will already have systems and processes to comply with many of these requirements. Such systems will therefore only need to be updated to ensure full compliance with the DSCSA. We also anticipate that a chain pharmacy will develop the required systems and processes centrally at its

headquarters or at its distribution centers and then distribute to each pharmacy.

Our estimated burden for the information collection as revised reflects a significant decrease in the burden estimates for annual responses and hours. We have excluded from our estimated burden the time, effort, and financial resources attributable to those activities we consider usual and customary by respondents, consistent with 5 CFR 1320.3(b)(2). We invite comment on our assumption.

Dated: August 29, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024-20064 Filed 9-5-24; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2019-E-1150]

Determination of Regulatory Review Period for Purposes of Patent Extension; STEGLATRO

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for STEGLATRO and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect must submit either electronic or written comments and ask for a redetermination by November 5, 2024. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by March 5, 2025. See "Petitions" in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until

11:59 p.m. Eastern Time at the end of November 5, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2019-E-1150 for "Determination of Regulatory Review Period for Purposes of Patent Extension; STEGLATRO." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

¹ Transaction is defined in section 581(24) of the FD&C Act.

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

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

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6200, Silver Spring, MD 20993, 301-796-3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biological product, animal drug product, medical device, food additive, or color additive) was subject to

regulatory review by FDA before the item was marketed. Under these acts, a product’s regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA’s determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product, STEGLATRO (ertugliflozin) indicated as an adjunct to diet and exercise to improve glycemic control in adults with type 2 diabetes mellitus. Subsequent to this approval, the USPTO received a patent term restoration application for STEGLATRO (U.S. Patent No. 8,080,580) from Pfizer Inc. and the USPTO requested FDA’s assistance in determining the patent’s eligibility for patent term restoration. In a letter dated June 12, 2019, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of STEGLATRO represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product’s regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for STEGLATRO is 2,976 days. Of this time, 2,610 days occurred during the testing phase of the regulatory review period, while 366 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* October 28, 2009. The applicant claims October 29, 2009, as the date the investigational new

drug application (IND) became effective. However, FDA records indicate that the IND effective date was October 28, 2009, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the FD&C Act:* December 19, 2016. FDA has verified the applicant’s claim that the new drug application (NDA) for STEGLATRO (NDA 209803) was initially submitted on December 19, 2016.

3. *The date the application was approved:* December 19, 2017. FDA has verified the applicant’s claim that NDA 209803 was approved on December 19, 2017.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 524 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to <https://www.regulations.gov> at Docket No. FDA-2013-S-0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: September 3, 2024.

Lauren K. Roth,
Associate Commissioner for Policy.

[FR Doc. 2024-20149 Filed 9-5-24; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2024-E-0213]

Determination of Regulatory Review Period for Purposes of Patent Extension; YCANTH

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for YCANTH and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect must submit either electronic or written comments and ask for a redetermination by November 5, 2024. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by March 5, 2025. See “Petitions” in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 5, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a

third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA-2024-E-0213 for “Determination of Regulatory Review Period for Purposes of Patent Extension; YCANTH.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly

available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

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

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6200, Silver Spring, MD 20993, 301-796-3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biological product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product’s regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for

example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA’s determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product, YCANTH (cantharidin). YCANTH is indicated for topical treatment of molluscum contagiosum in adult and pediatric patients 2 years of age and older. Subsequent to this approval, the USPTO received a patent term restoration application for YCANTH (U.S. Patent No. 11,052,064) from Verrica Pharmaceuticals, and the USPTO requested FDA’s assistance in determining the patent’s eligibility for patent term restoration. In a letter dated February 7, 2024, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of YCANTH represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product’s regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for YCANTH is 2,285 days. Of this time, 877 days occurred during the testing phase of the regulatory review period, while 1,408 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* April 20, 2017. FDA has verified the applicant’s claim that the date the investigational new drug application became effective was on April 20, 2017.

2. *The date the application was initially submitted with respect to the human drug product under section 505*

of the FD&C Act: September 13, 2019. FDA has verified the applicant’s claim that the new drug application (NDA) for YCANTH (NDA 212905) was initially submitted on September 13, 2019.

3. *The date the application was approved:* July 21, 2023. FDA has verified the applicant’s claim that NDA 212905 was approved on July 21, 2023.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 745 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to <https://www.regulations.gov> at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: September 3, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–20115 Filed 9–5–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2024–N–1464 and FDA–2023–N–2781]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approvals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of information collections that have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10 a.m.–12 p.m., 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, PRAStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: The following is a list of FDA information collections recently approved by OMB under section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). The OMB control number and expiration date of OMB approval for each information collection are shown in table 1. Copies of the supporting statements for the information collections are available on the internet at <https://www.reginfo.gov/public/do/PRAMain>. 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.

TABLE 1—LIST OF INFORMATION COLLECTIONS APPROVED BY OMB

Title of collection	OMB control No.	Date approval expires
New Animal Drugs for Investigational Use	0910–0117	8/31/2027
Data To Support Drug Product Communications	0910–0695	8/31/2027

Dated: August 30, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–20052 Filed 9–5–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2019–E–1178 and FDA–2019–E–1174]

Determination of Regulatory Review Period for Purposes of Patent Extension; SEGLUROMET

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for SEGLUROMET and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect must submit either electronic or written comments and ask for a redetermination by November 5, 2024. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by March 5, 2025. See “Petitions” in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 5, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any

confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket Nos. FDA–2019–E–1178 and FDA–2019–E–1174 for “Determination of Regulatory Review Period for Purposes of Patent Extension; SEGLUROMET.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- *Confidential Submissions—*To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management

Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

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

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6200, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biological product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product’s regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the

actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product, SEGLUROMET (ertugliflozin and metformin hydrochloride) indicated as an adjunct to diet and exercise to improve glycemic control in adults with type 2 diabetes mellitus who are not adequately controlled on a regimen containing ertugliflozin or metformin or in patients who are already treated with both ertugliflozin and metformin. Subsequent to this approval, the USPTO received patent term restoration application for SEGLUROMET (U.S. Patent Nos. 9,308,204 and 9,439,902) from Pfizer Inc., and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated June 12, 2019, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of SEGLUROMET represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for SEGLUROMET is 2,976 days. Of this time, 2,610 days occurred during the testing phase of the regulatory review period, while 366 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* October 28, 2009. The applicant claims October 29, 2009, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was October 28, 2009, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the FD&C Act:* December 19, 2016. FDA has verified the applicant's claim that the new drug application (NDA) for SEGLUROMET (NDA 209806) was initially submitted on December 19, 2016.

3. *The date the application was approved:* December 19, 2017. FDA has verified the

applicant's claim that NDA 209806 was approved on December 19, 2017.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 415 days or 424 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to <https://www.regulations.gov> at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: September 3, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–20148 Filed 9–5–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–D–1580]

Incorporating Voluntary Patient Preference Information Over the Total Product Life Cycle; Guidance for Industry, Food and Drug Administration Staff and Other Interested Parties; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of the draft guidance entitled “Incorporating Voluntary Patient Preference Information over the Total Product Life Cycle.” This draft guidance explains the principal concepts that sponsors and other interested parties should consider when choosing to collect and submit patient preference information (PPI). The knowledge gleaned from the use of PPI could be used across the total product life cycle, including for review in investigational device exemption (IDE) applications, premarket approval (PMA) applications, humanitarian device exemption (HDE) applications, De Novo classification requests, or premarket notifications (510(k)s). This draft guidance also discusses FDA's inclusion of PPI in its decision summaries and provides recommendations for the inclusion of such information in device labeling for certain devices. This draft guidance is not final nor is it for implementation at this time.

DATES: Submit either electronic or written comments on the draft guidance by December 5, 2024 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2015-D-1580 for “Incorporating Voluntary Patient Preference Information over the Total Product Life Cycle.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

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

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://>

www.regulations.gov and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled “Incorporating Voluntary Patient Preference Information over the Total Product Life Cycle” to the Office of Policy, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT:

David Gebben, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1316, Silver Spring, MD 20993-0002, 301-796-6461 or James Myers, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993, 240-402-7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance entitled “Incorporating Voluntary Patient Preference Information over the Total Product Life Cycle.” FDA believes that patients can and should bring their own experiences to bear in helping the Agency to evaluate the benefit-risk profiles of certain devices. This kind of input can be important to consider during FDA’s decision-making for these devices across the total product life cycle.

This draft guidance proposes expanded recommendations to the 2016 guidance entitled “Patient Preference Information—Voluntary Submission, Review in Premarket Approval Applications, Humanitarian Device Exemption Applications, and De Novo Requests, and Inclusion in Decision Summaries and Device Labeling” (2016 PPI Guidance). Since the issuance of the 2016 PPI Guidance, there have been many developments in the use of PPI for devices, including an increase in

industry-sponsored PPI studies provided to FDA for consideration as part of a benefit-risk assessment, and numerous collaborations between FDA scientists and a variety of interested parties to conduct PPI studies to inform clinical trial design and FDA decision making across a wide range of diseases, conditions, and device areas. In addition, FDA has cohosted or participated in numerous convenings and international collaborations to advance scientific methods and practical applications of PPI. Meanwhile, FDA has expanded its benefit-risk guidance framework to apply to the total product life cycle, including the submission and review of IDE applications, 510(k)s, PMAs, De Novo requests, and HDEs applications, and FDA decisions involving administrative, enforcement, and other actions. This expansion of the 2016 PPI Guidance is intended to reflect this broadened scope as well as developments in the field of health preference research.

This draft guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on “Incorporating Voluntary Patient Preference Information over the Total Product Life Cycle.” It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at <https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products>. This guidance document is also available at <https://www.regulations.gov>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents> or <https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics>. Persons unable to download an electronic copy of “Incorporating Voluntary Patient Preference Information over the Total Product Life Cycle” may send an email request to CDRH-Guidance@fda.hhs.gov to receive an electronic copy of the document. Please use the document number GUI01500006 and complete title to

identify the guidance you are requesting.

III. Paperwork Reduction Act of 1995

While this guidance contains no new collection of information, it does refer to

previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork

Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in the following table have been approved by OMB:

21 CFR part; guidance; or FDA form	Topic	OMB control No.
807, subpart E	Premarket notification	0910–0120
814, subparts A through E	Premarket approval	0910–0231
814, subpart H	Humanitarian Use Devices; Humanitarian Device Exemption	0910–0332
812	Investigational Device Exemption	0910–0078
860, subpart D	De Novo classification process	0910–0844
“Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program”.	Q-submissions and Early Payor Feedback Request Programs for Medical Devices.	0910–0756
800, 801, 809, and 830	Medical Device Labeling Regulations; Unique Device Identification.	0910–0485
50, 56	Protection of Human Subjects and Institutional Review Boards.	0910–0130

Dated: August 30, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–20069 Filed 9–5–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; NSC BBA.

Date: October 10, 2024.

Time: 9:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, 5601 Fishers Lane, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Bitu Nakhai, Ph.D., Scientific Review Officer, National Institute of Aging, National Institute of Health, 5601 Fishers Lane, 2C212, Rockville, MD 20852, 301–402–7701, nakhaib@nia.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 30, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–20094 Filed 9–5–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Neurogenesis and Cell Fate Study Section.

Date: October 2, 2024.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Adem Can, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4190, MSC 7850, Bethesda, MD 20892, (301) 435–1042, cana2@csr.nih.gov.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Pathophysiology of Eye Disease—1 Study Section Pathophysiology of Eye Disease—1 Study Section (PED1).

Date: October 7–8, 2024.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814 (In-Person Meeting).

Contact Person: Afia Sultana, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4189, Bethesda, MD 20892, (301) 827–7083, sultanaa@mail.nih.gov.

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Child Psychopathology and Developmental Disabilities Study Section.

Date: October 7–8, 2024.

Time: 9:00 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Michael L. Bloom, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7804, Bethesda, MD 20892, 301–451–0132, bloomm2@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; ECHO IDeA States Pediatric Clinical Trials Networks.

Date: October 7–8, 2024.

Time: 3:00 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Andrew M. Wolfe, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 6214, Bethesda, MD 20892, andrew.wolfe@nih.gov. (Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333,

93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 3, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–20096 Filed 9–5–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01 Clinical Trial Not Allowed).

Date: October 15, 2024.

Time: 9:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G31A, Rockville, MD 20892 (Video Assisted Meeting).

Contact Person: Mairi Noverr, Ph.D., Scientific Review Officer, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G31A, Rockville, MD 20892, (240) 747–7530, mairi.noverr@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: September 3, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–20125 Filed 9–5–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel: NIAMS AMS/AMSC Member Conflict Review.

Date: October 22, 2024.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Chiguang Feng, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis and Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Room 808, Bethesda, MD 20892, (301) 451–7766, chiguang.feng@nih.gov.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel: NIAMS P50 Wellstone Review.

Date: October 29–30, 2024.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kan Ma, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, NIH 6701 Democracy Boulevard, Suite 814, Bethesda, MD 20892, (301) 451–4838, mak2@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: August 30, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–20098 Filed 9–5–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Neuroplasticity in Auditory Aging and Cognitive Impairment.

Date: October 9, 2024.

Time: 11:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, 5601 Fishers Ln., Rockville, MD 20852 (Virtual Meeting).

Contact Person: Nesar Uddin Akanda, M.D., Ph.D., Scientific Review Officer, National Institute of Aging, National Institute of Health, 7201 Wisconsin Ave., Rm 2E405, Bethesda, MD 20892, (301) 594–8984, nesar.akanda@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 30, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–20093 Filed 9–5–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as

amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Medicare—Navigating the path forward.

Date: October 17, 2024.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, 5601 Fishers Lane, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Sandhya Sanghi, Ph.D., Scientific Review Officer, National Institute of Aging, National Institute of Health, 5601 Fishers Lane, Rm 2N230, Rockville, MD 20852, (301) 496-2879, sandhya.sanghi@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 30, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-20095 Filed 9-5-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Lethal Means Safety Suicide Prevention Research.

Date: October 8, 2024.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Serena Chu, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Bethesda, MD 20852, 301-500-5829, Email: serena.chu@nih.gov.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Advanced Laboratories for Accelerating the Reach and Impact of Treatments for Youth and Adults with Mental Illness (ALACRITY).

Date: October 9, 2024.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Regina Dolan-Sewell, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Bethesda, MD 20852, (240) 796-6785, Email: regina.dolan-sewell@nih.gov.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: September 3, 2024.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-20097 Filed 9-5-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Planning Grants (R34 Clinical Trial Not Allowed); Investigator Initiated Extended Clinical Trial (R01 Clinical Trial Required); NIAID Clinical Trial Implementation Cooperative Agreement (U01 Clinical Trial Required).

Date: October 1, 2024.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E71, Rockville, MD 20892 (Video Assisted Meeting).

Contact Person: Samita S. Andreansky, Ph.D., Scientific Review Officer, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E71, Bethesda, MD 20892, 240-669-2915, samita.andreansky@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: September 3, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-20128 Filed 9-5-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities; Proposed Collection; Comment Request; Correction

AGENCY: Substance Abuse and Mental Health Services Administration (SAMHSA), Department of Health and Human Services.

ACTION: Notice; correction.

SUMMARY: The SAMHSA published a document in the **Federal Register** of August 15, 2024, concerning request for comments on specifications for comments on a new SAMHSA data collection titled "SAMHSA Unified Client-level Performance Reporting Tool (SUPRT)". The document was missing a website to view the proposed draft tool. This correction includes the web address.

SUPPLEMENTARY INFORMATION: On August 15, 2024, SAMHSA, published a notice announcing request for comments on a new SAMHSA data collection (89 FR 66429). The document did not provide the website to view the proposed draft tool. We are, therefore, correcting the

notice to include the web address for the proposed draft tool. For convenience and ease of use, we are republishing the notice, in full, as it appeared on August 15, with the web address included. We are accepting written comments on the notice through October 15, 2024.

Department of Health And Human Services

Substance Abuse And Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, email the SAMHSA Reports Clearance Officer at samhsapra@samhsa.hhs.gov.

Comments are invited on: (a) whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: SAMHSA Unified Client-Level Performance Reporting Tool (SUPRT)—(OMB No. 0930-NEW)

The Substance Abuse and Mental Health Services Administration (SAMHSA) is the agency within the U.S. Department of Health and Human Services that leads public health efforts to advance the behavioral health of the nation. SAMHSA is seeking approval for the new SAMHSA Unified Client-level Performance Reporting Tool (SUPRT) to modify the existing Center for Substance Abuse Treatment (CSAT) and Center for Mental Health Services (CMHS) Client-Level Performance Instruments into a streamlined, multi-component SAMHSA Client-Level Performance Tool. Currently, over 7,500 grantees across a range of prevention, harm reduction, treatment, and recovery support discretionary grant programs

report program performance data into SAMHSA's Performance Accountability and Reporting System (SPARS) that serves as a central data repository. SPARS also functions as a performance management system that captures information on the substance use and mental health services delivered via the range of SAMHSA's discretionary grants. SAMHSA has historically required grantees to collect much of the client-level information in SPARS using a prescribed series of questions in long complex instruments. This is not the totality of data tools SAMHSA uses, however, to collect performance data on its discretionary grant programs. SAMHSA uses data collected, depending on the grant program, at the client-level, but also through aggregate program performance tools, required narrative performance progress reports, or a combination of these. This notice informs the public of SAMHSA's intent to develop and implement a new streamlined client-level performance tool that will allow SAMHSA to continue to meet Government Performance and Results Modernization Act (GPRAMA) of 2010 reporting requirements, reduce the scope and associated burden of questions requiring responses directly from clients, and limit the amount of client-level detail reported by grantees.

The proposed new client-level performance tool will involve streamlining questions from the currently used client-level performance reporting tools, as well as incorporating select new measures/questions into a multi-component client-level tool. With this change, SAMHSA will provide guidance specifying which items SAMHSA expects grantees to ask directly of clients and those for which grantees may use alternate data sources for gathering and reporting client-level data. This new, streamlined client-level performance tool will reduce client and grantee reporting burden and enhance consistency of the collected performance data. This tool also reflects diverse stakeholder feedback SAMHSA obtained through multiple listening sessions conducted with key stakeholders and will incorporate findings of cognitive testing to improve clarity of the measures. This performance tool will align with, and strengthen, SAMHSA's complementary evaluation activities of its discretionary grant programs providing client services.

SAMHSA will use the data collected through the new streamlined client-level performance tool for both annual reporting required by GPRAMA, grantee monitoring, and continuous

improvement of its discretionary grant programs. The information collected through this process will allow SAMHSA to (1) monitor and report on implementation and overall performance of the associated grant programs; (2) advance SAMHSA's proposed performance goals; and (3) assess the accountability and performance of its discretionary grant programs, focused on efforts that promote mental health, prevent substance use, and provide treatments and supports to foster recovery.

Through the proposed new, streamlined single client-level performance tool, SAMHSA seeks to (1) improve the utility of client-level performance tools while decreasing burden; (2) standardize and utilize tested questions across programs wherever possible; and, (3) elicit programmatic information that helps inform the impact of discretionary grant programs on the achievement of SAMHSA's Strategic Priority Area goals and objectives (<https://www.samhsa.gov/about-us/strategic-plan>). Furthermore, this effort is designed to align performance reporting requirements with the measurement activities of other federal agencies (e.g., the Centers for Medicare & Medicaid Services; the Centers for Disease Control and Prevention; the U.S. Census Bureau; the Office of Management and Budget; etc.) to the extent possible. To meet these goals, data from the new client-level performance tool for SAMHSA's discretionary grants can be used to delineate who is served, how they are served, what services they receive, and how the program impacts the progress of clients in terms of mental health and substance use issues. The tool reflects SAMHSA's goals to elicit pertinent program data that can be used to inform current and future programs and practices and respond to stakeholders, congressional, and other agency inquiries.

The proposed structure of the new tool will be one that is streamlined and multi-component with client-level information collected and reported at varying frequencies. The first component will be composed of standardized questions about demographic information (asked directly of clients at baseline only) and social determinants of health (asked directly of clients at baseline and annually as instructed by SAMHSA); the second component will contain standardized recovery, quality of life, and client goal measures as impacted by services received (also asked of clients at baseline and reassessment during the first year of a grant, then annually as

instructed by SAMHSA); and the third component will consist of a streamlined set of questions describing clients' behavioral health history, screening and diagnosis items, and services provided to clients (as reported at the client-level by the grantee using alternate data sources that already may be in use for other purposes, for example an electronic health or medical record). Question(s) about services provided to the client will only be required at reassessment and annually for some programs as instructed by SAMHSA.

Currently, the tool and final burden table are still under development and will be available as part of the 30-Day FRN. However, SAMHSA expects that use of the multi-component tool will result in a significant decrease in burden for client and grantee annualized reporting, not only because of the streamlining of questions, but also because not all items will be required at every data collection time point. For example, SAMHSA anticipates that the services provided item will not be required to report at baseline, only reassessment and, for some programs, annually. SAMHSA is also finalizing a revised policy on when reassessments are expected to occur, recognizing that a one-size fits all approach may not be appropriate for all client-focused grant programs. SAMHSA is conducting testing to establish a better estimate of the time it will take to complete the information collection given the varying degree of direct client involvement across the new tool's components and grantee use of alternate data sources for a portion of the tool. At this point, SAMHSA estimates that approximately 1,500 client-focused grantees annually will use the tool and with a burden hour estimate per assessment that ranges from 0.13 to 0.27 for each of the three tool components. SAMHSA's goal is to develop a new performance tool that is streamlined and will significantly reduce burden compared to the current performance tools.

Send comments to the SAMHSA Reports Clearance Officer, 5600 Fishers Lane, Room 15E45, Rockville, Maryland 20857, OR email a copy to samhsapra@samhsa.hhs.gov. The draft tool can be found at: <https://www.samhsa.gov/grants/gpra-measurement-tools>. Written comments should be received by 15 Oct 2024.

Alicia Broadus,

Public Health Advisor.

[FR Doc. 2024-20051 Filed 9-5-24; 8:45 am]

BILLING CODE 4162-20-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7080-N-45]

30-Day Notice of Proposed Information Collection Requirement: Comment Request; Implementation of the Housing for Older Persons Act of 1995 (HOPA); OMB Control No. 2529-0046

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* October 7, 2024.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to OIRA_submission@omb.eop.gov or www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna Guido, 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: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 7th Street SW, Room 8210, Washington, DC 20410; email Colette.Pollard@hud.gov or telephone (202) 402-3400. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The Federal Register notice that solicited public comment on the information collection for a period of 60 days was published March 27, 2024 at 89 FR 21265.

A. Overview of Information Collection

Title of Information Collection: Implementation of the Housing for Older Persons Act of 1995 (HOPA).

OMB Control Number: 2529-0046.

Type of Request: Proposed extension, without change, of a currently approved information collection requirement.

Description of the need for the information and proposed use: The Fair Housing Act [42 U.S.C.3601 *et seq.*], prohibits discrimination in the sale, rental, occupancy, advertising, insuring, or financing of residential dwellings based on *familial status* (individuals living in households with one or more children under 18 years of age). However, under § 3607(b)(2) of the Act, Congress exempted three (3) categories of "housing for older persons" from liability for familial status discrimination: (1) housing provided under any State or Federal program which the Secretary of HUD determines is "specifically designed and operated to assist elderly persons (as defined in the State or Federal program)"; (2) housing "intended for, and solely occupied by persons 62 years of age or older"; and (3) housing "intended and operated for occupancy by at least one person 55 years of age or older per unit [“55 or older” housing]." In December 1995, Congress passed the Housing for Older Persons Act of 1995 (HOPA) [Pub. L. 104-76, 109 Stat. 787] as an amendment to the Fair Housing Act. The HOPA modified the "55 or older" housing exemption provided under section 3607(b)(2)(C) of the Fair Housing Act by eliminating the requirement that a housing provider must offer "significant facilities and services specifically designed to meet the physical or social needs of older persons." In order to qualify for the HOPA exemption, a housing community or facility must meet each of the following criteria: (1) *at least 80 percent of the occupied units* in the community or facility must be occupied by at least one person who is 55 years of age or older; (2) the housing provider must publish and adhere to policies and procedures that demonstrate the *intent*

to operate housing for persons 55 years of age or older; and (3) the housing provider must demonstrate compliance with “rules issued by the Secretary for verification of occupancy, which shall provide for [age] verification by reliable surveys and affidavits.”

The HOPA did not significantly increase the record-keeping burden for the “55 or older” housing exemption. It describes in greater detail the documentary evidence which HUD will consider when determining, during a familial status discrimination complaint investigation, whether or not a housing facility or community qualified for the “55 or older” housing exemption as of the date on which the alleged Fair Housing Act violation occurred.

The HOPA information collection requirements are necessary to establish a housing provider’s eligibility to claim the “55 or older” housing exemption as an affirmative defense to a familial status discrimination complaint filed with HUD under the Fair Housing Act. The information will be collected in the normal course of business in connection with the sale, rental, or occupancy of dwelling units situated in qualified senior housing facilities or communities. The HOPA’s requirement that a housing provider must demonstrate the intent to operate a “55 or older” housing community or facility by publishing, and consistently enforcing, age verification rules, policies and procedures for current and prospective occupants reflects the usual and customary practice of the senior housing industry. Under the HOPA, a “55 or older” housing provider should conduct an initial occupancy survey of the housing community or facility to verify compliance with the HOPA’s “80 percent occupancy” requirement and should maintain such compliance by periodically reviewing and updating existing age verification records for each occupied dwelling unit at least once

every two years. The creation and maintenance of such occupancy/age verification records should occur in the normal course of individual sale or rental housing transactions and should require minimal preparation time. Further, a senior housing provider’s operating rules, policies and procedures are not privileged or confidential in nature, because such information must be disclosed to current and prospective residents, and to residential real estate professionals.

The HOPA exemption also requires that a summary of the occupancy survey results must be made available for public inspection. This summary need not contain confidential information about individual residents; it may simply indicate the total number of dwelling units that are actually occupied by persons 55 years of age or older. While the supporting age verification records may contain confidential information about individual occupants, such information would be protected from disclosure unless the housing provider claims the “55 or older” housing exemption as an affirmative defense to a jurisdictional familial status discrimination complaint filed with HUD under the Fair Housing Act. HUD’s Office of Fair Housing and Equal Opportunity will only require a housing provider to disclose such confidential information to HUD if and when HUD investigates a jurisdictional familial status discrimination complaint filed against the housing provider under the Fair Housing Act, and if and when the housing provider claims the “55 or older” housing exemption as an affirmative defense to the complaint.

Agency form number(s), if applicable: None.

Members of affected public: The HOPA requires that small businesses and other small entities that operate housing intended for occupancy by persons 55 years of age or older must routinely collect and update reliable age

verification information necessary to meet the eligibility criteria for the HOPA exemption. The record keeping requirements are the responsibility of the housing provider that seeks to qualify for the HOPA exemption.

Estimation of the total numbers of hours needed to prepare the information collection, including the number of respondents, frequency of response, and hours of response: Housing providers claiming eligibility for the HOPA’s “55 or older” housing exemption must demonstrate ongoing compliance with the HOPA exemption requirements. The HOPA does not authorize HUD to require submission of this information by individual housing providers as a means of certifying that their housing communities or facilities qualify for the exemption. Further, since the HOPA has no mandatory registration requirement, HUD cannot ascertain the actual number of housing facilities and communities that are currently collecting this information with the intention of qualifying for the HOPA exemption. Accordingly, HUD has estimated that approximately 1,000 housing facilities or communities would seek to qualify for the HOPA exemption. HUD has estimated that the occupancy/age verification data would require routine updating with each new housing transaction within the facility or community, and that the number of such transactions per year might vary significantly depending on the size and nature of the facility or community. HUD also estimated the average number of housing transactions per year at ten (10) transactions per community. HUD concluded that the publication of policies and procedures is likely to be a one-time event, and in most cases will require no additional burden beyond what is done in the normal course of business. The estimated total annual burden hours are 5,500 hours [See Table below].

Type of collection activity	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
One: Collect reliable age verification records for at least one occupant per dwelling unit to meet the HOPA’s minimum “80% occupancy” requirement.	1,000 (estimated 10,000 occupants).	1 (once per each housing transaction).	10,000	1	1,000	\$20.02	\$20.02
Two: Publication of & adherence to policies & procedures that demonstrate intent to operate “55 or older” housing.	1,000 (estimated 1,000 housing providers).	1 (one-time event for publication).	1,000	2	2,000	20.02	40,040
Three: Periodic updates of age verification records.	1,000 (estimated 1,000 housing providers).	1 (update occupancy records at least once every two years).	1,000	2.50	2,500	20.02	50,050
Total Burden Hours & Costs.	12,000	3	12,000	5,500	5,500	20.02	110,110

B. Solicitation of Public Comments

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed information collection in order to: (1) Evaluate whether the proposed information collection is necessary for the proper performance of HUD's program functions; (2) Evaluate the accuracy of HUD's assessment of the paperwork burden that may result from the proposed information collection; (3) Enhance the quality, utility, and clarity of the information which must be collected; and (4) Minimize the burden of the information collection on responders, including the use of appropriate automated collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, as amended.

Colette Pollard,

*Department Reports Management Officer,
Office of Policy Development and Research,
Chief Data Officer.*

[FR Doc. 2024-20127 Filed 9-5-24; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-6395-N-04]

Notice of Regulatory Waiver Requests Granted for the Fourth Quarter of Calendar Year 2023

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice.

SUMMARY: Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform Act) requires HUD to publish quarterly **Federal Register** notices of all regulatory waivers that HUD has approved. Each notice covers the quarterly period since the previous **Federal Register** notice. The purpose of this notice is to comply with the requirements of section 106 of the HUD Reform Act. This notice contains a list of regulatory waivers granted by HUD during the period beginning on October 1, 2023 and ending on December 31, 2023.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Aaron Santa Anna, Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10276, Washington, DC 20410-0500, telephone (202) 708-3055 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

For information concerning a particular waiver that was granted and for which public notice is provided in this document, contact the person whose name and address follow the description of the waiver granted in the accompanying list of waivers that have been granted in the fourth quarter of calendar year 2023.

SUPPLEMENTARY INFORMATION: Section 106 of the HUD Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;

2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary or equivalent rank, and the person to whom authority to waive is delegated must also have authority to issue the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

- Identify the project, activity, or undertaking involved;
- Describe the nature of the provision waived and the designation of the provision;
- Indicate the name and title of the person who granted the waiver request;
- Describe briefly the grounds for approval of the request; and
- State how additional information about a particular waiver may be obtained.

Section 106 of the HUD Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

This notice follows procedures provided in HUD's Statement of Policy on Waiver of Regulations and Directives issued on April 22, 1991 (56 FR 16337). In accordance with those procedures and with the requirements of section 106 of the HUD Reform Act, waivers of regulations are granted by the Assistant Secretary with jurisdiction over the regulations for which a waiver was requested. In those cases in which a General Deputy Assistant Secretary granted the waiver, the General Deputy Assistant Secretary was serving in the absence of the Assistant Secretary in accordance with the office's Order of Succession.

This notice covers waivers of regulations granted by HUD from October 1, 2023 through December 31, 2023. For ease of reference, the waivers granted by HUD are listed by HUD program office (for example, the Office of Community Planning and Development, the Office of Fair Housing and Equal Opportunity, the Office of Housing, and the Office of Public and Indian Housing, etc.). Within each program office grouping, the waivers are listed sequentially by the regulatory section of title 24 of the Code of Federal Regulations (CFR) that is being waived. For example, a waiver of a provision in 24 CFR part 58 would be listed before a waiver of a provision in 24 CFR part 570.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement that appears in 24 CFR and that is being waived. For example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.

Waiver of regulations that involve the same initial regulatory citation are in time sequence beginning with the earliest-dated regulatory waiver.

Additionally, this notice includes waivers made pursuant to the Coronavirus Aid, Relief and Economic Security Act (CARES Act), not previously published in the **Federal Register**. These waivers are listed separately from other individual waivers within each program office grouping, as CARES Act waivers broadly covered all affected parties rather than individual, case-by-case situations. The lists include additional Memoranda and Notices issued regarding broad CARES Act waivers provided by HUD since the enactment of the Act on March 27, 2020. In addition, the lists provide a short, two- or three-line description of each memo or notice, identifying the specific

CARES Act authority and purpose of the waivers addressed therein.

Should HUD receive additional information about waivers granted during the period covered by this report (the fourth quarter of calendar year 2023) before the next report is published (the first quarter of calendar year 2024), HUD will include any additional waivers granted for the fourth quarter in the next report.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

Benjamin Klubes,

Principal Deputy General Counsel.

Appendix

Listing of Waivers of Regulatory Requirements Granted by Offices of the Department of Housing and Urban Development October 1, 2023 Through December 31, 2023

Note to Reader: More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly after each set of regulatory waivers granted.

The regulatory waivers granted appear in the following order:

- I. Regulatory waivers granted by the Office of Community Planning and Development.
- II. Regulatory waivers granted by the Office of Housing.
- III. Regulatory waivers granted by the Office of Public and Indian Housing.

I. Regulatory Waivers and Alternative Requirements Granted by the Office of Community Planning and Development

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

- *Regulation:* 24 CFR 92.214(a)(1) and (a)(6), and 24 CFR 92.504(a).

Project/Activity: The City of Chicago, Illinois requested waivers of 24 CFR 92.214(a)(1) and (a)(6), and 24 CFR 92.504(a) to permit it to invest additional HOME funds to stabilize Harold Washington Apartments, a financially troubled HOME project.

Nature of Requirement: The HOME regulation at 24 CFR 92.504(a) requires that a participating jurisdiction ensure HOME funds are used in accordance with all program requirements and written agreements. In addition, the regulation at 24 CFR 92.214(a)(1) prohibits the payment of HOME funds to capitalize a replacement reserve account and the regulation at 24 CFR 92.214(a)(6) prohibits a participating jurisdiction from investing additional HOME funds (other than tenant-based rental assistance or homeownership assistance) in a previously assisted HOME project during the required period of affordability established by the participating jurisdiction in its written agreement with the owner.

Granted by: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 21, 2023.

Reason Waived: The neighborhood where the project is located has gentrified in recent years and property management staff unionized, which resulted in increases in operating costs. Consequently, the property's rental revenue became insufficient to cover various costs and the property has been operating at a loss since 2019. Given the property's high operating expenses, both a change in unit mix and an investment of additional HOME funds were required to stabilize the property financially. The additional HOME funds will be used to eliminate the private debt and capitalize a replacement reserve to decrease monthly deposits from operating income and will also fund needed capital repairs. The City must amend its written agreement to commit an additional \$2,588,212 of HOME funds for the purposes described in the waiver and convert 29 of the 87 low HOME rent units to high HOME rent units. The written agreement must also impose an additional 15-year period of affordability secured by a deed restriction following the expiration of the project's current period of affordability in 2027. The recapitalized project will remain under the new HOME period of affordability until December 4, 2042. The City must provide HUD with a copy of the amended written agreement and revised recorded restrictive covenant. Without this waiver, affordable units would be lost from the housing stock in the City and the City would be required to repay its original HOME investment.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- *Regulation:* 24 CFR 92.252(d)(1) Utility Allowance Requirements.

Project/Activity: The City of Santa Ana, California requested a waiver of 24 CFR 92.252(d)(1) to allow the use of the utility allowance established by the local public housing agency (PHA) for the Santa Ana Arts Apartments, a HOME-assisted project.

Nature of Requirement: The regulation at 24 CFR 92.252(d)(1) requires participating jurisdictions to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. However, participating jurisdictions are not permitted to use the utility allowance established by the local public housing authority for HOME-assisted rental projects for which HOME funds were committed on or after August 23, 2013.

Granted by: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 21, 2023.

Reason Waived: The HOME requirements for establishing utility allowances conflict with Project Based Voucher program requirements. It is not possible to use two different utility allowances to set the rent for a single unit and it is administratively

burdensome to require a project owner to establish and implement different utility allowances for HOME-assisted and non-HOME assisted units in a project.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- *Regulation:* 24 CFR 92.252(d)(1) Utility Allowance Requirements.

Project/Activity: The City of Dallas, Texas requested a waiver of 24 CFR 92.252(d)(1) to allow the use of the utility allowance established by the local public housing agency (PHA) for Jaipur Lofts, a HOME-assisted project.

Nature of Requirement: The regulation at 24 CFR 92.252(d)(1) requires participating jurisdictions to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. However, participating jurisdictions are not permitted to use the utility allowance established by the local public housing authority for HOME-assisted rental projects for which HOME funds were committed on or after August 23, 2013.

Granted by: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 2023.

Reason Waived: The HOME requirements for establishing utility allowances conflict with Project Based Voucher program requirements. It is not possible to use two different utility allowances to set the rent for a single unit and it is administratively burdensome to require a project owner to establish and implement different utility allowances for HOME-assisted and non-HOME assisted units in a project.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- *Regulation:* 24 CFR 92.203(a)(1) and (2).

Project/Activity: Projects located in the declared-disaster area for the severe storms and tornadoes in Tennessee (DR-4751-TN).

Nature of Requirement: These sections of the HOME regulation require initial income determinations for HOME beneficiaries by examining source documents covering the most recent two months.

Granted by: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 2023.

Reason Waived: This waiver permits the participating jurisdiction to use self-certification of income, as provided in 24 CFR 92.203(a)(1)(ii), in lieu of source documentation to determine eligibility for HOME assistance of persons displaced by the disaster.

Applicability: These waivers are only available to participating jurisdictions within the declared-disaster area or a State participating jurisdiction of the declared-disaster area to assist those displaced by the

disaster. This waiver applies only to families displaced by the disaster (as evidenced by FEMA registration) whose income documentation was destroyed or made inaccessible by the disaster and remains in effect for six months from December 22, 2023. The participating jurisdiction or, as appropriate, HOME project owner, is required to maintain: (1) a record of FEMA registration to demonstrate that a family was displaced by the disaster; and (2) a statement signed by appropriate family members certifying to the family's size and annual income and that the family's income documentation was destroyed or is inaccessible.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.209(e), (h)(1), and (i).

Project/Activity: Projects located in the declared-disaster area for the severe storms and tornadoes in Tennessee (DR-4751-TN).

Nature of Requirement: Section 92.209(e) requires that the term of a HOME TBRA contract made with a landlord begin on the first day of the lease. Section 92.209(h)(1) limits the subsidy that a participating jurisdiction may pay toward a TBRA recipient's rent to the difference between the participating jurisdiction's rent standard for the unit size and 30 percent of the family's monthly adjusted income. Section 92.209(i) requires that units occupied by TBRA recipients meet the housing quality standards established in 24 CFR 982.401.

Granted by: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 2023.

Reason Waived: Waiving these provisions provides the participating jurisdiction with greater flexibility to use tenant-based rental assistance as an emergency housing resource.

Applicability: All of these waivers are only available to a participating jurisdiction within the declared-disaster area or a State participating jurisdiction of the declared-disaster areas providing TBRA to those displaced by the disaster, in accordance with the applicable conditions described below.

The requirement in 24 CFR 92.209(e) that the start date of a TBRA contract begin on the first day of the term of a tenant's lease is waived for TBRA contracts a participating jurisdiction executes for persons or families displaced by the disaster, as evidenced by the tenant's FEMA registration or other relevant documentation acceptable to the PJ, for a period of 24 months after December 22, 2023. The other requirements in 24 CFR 92.209(e) are not waived. The provision of 24 CFR 92.209(h)(1) imposing the maximum amount of TBRA assistance a participating jurisdiction may provide to a family under HOME TBRA is waived for TBRA recipients who are displaced by the disaster, as evidenced by the family's FEMA registration, for a period of 24 months after December 22, 2023. The other provisions of 24 CFR 92.209(h) are not waived. The waiver of the

housing quality standards requirements at 24 CFR 92.209(i) applies to units leased by TBRA recipients who were displaced by the disaster, as evidenced by the recipient's FEMA registration, and are being assisted through a HOME TBRA program funded by the participating jurisdiction for a period of 24 months after December 22, 2023. Units must meet any applicable State and local health and safety codes and requirements. The lead safe housing requirements of 24 CFR part 35, subpart M, made applicable to units leased by recipients of HOME TBRA by the HOME regulation at 24 CFR 92.355, are not waived.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.222(b)(1).

Project/Activity: Any participating jurisdiction located in the declared-disaster area for the severe storms and tornadoes in Tennessee (DR-4751-TN).

Nature of Requirement: Section 220(a) of NAHA (42 U.S.C. 12750(a)) and 24 CFR 92.218 require all HOME participating jurisdictions to contribute throughout the fiscal year to housing that qualifies as affordable housing under the HOME program. The contributions must total no less than 25 percent of the HOME funds drawn from the participating jurisdiction's HOME Investment Trust Fund Treasury account. Section 220(d)(5) of NAHA (42 U.S.C. 12750(d)(5)) and 24 CFR 92.222(b) also permit HUD to reduce this matching requirement for a participating jurisdiction located in a declared-disaster area for any funds drawn from a participating jurisdiction's HOME Investment Trust Fund by up to 100 percent during any part of a fiscal year impacted by the disaster.

Granted by: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 2023.

Reason Waived: Given the urgent housing needs created by the disaster and the substantial financial impact the participating jurisdiction will face in addressing those needs, the approval of a 100 percent match reduction for participating jurisdictions in the declared-disaster areas, rather than on an case-by-case basis, will relieve administrative and financial burden on affected participating jurisdictions by expediting the process for reduction and the need to identify and provide matching contributions to HOME projects.

Applicability: This match reduction applies to funds expended by a participating jurisdiction located in the declared-disaster areas from October 1, 2022, through September 30, 2024. The waiver also applies to State-funded HOME projects located in declared-disaster areas.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.251.

Project/Activity: Projects located in the declared-disaster area for the severe storms and tornadoes in Tennessee (DR-4751-TN).

Nature of Requirement: This provision requires that housing assisted with HOME funds meet property standards based on the activity undertaken, *i.e.*, acquisition of housing including through homebuyer assistance, and state and local standards and codes or model codes for rehabilitation and new construction.

Granted by: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 2023.

Reason Waived: This waiver is required to enable the participating jurisdiction to meet the critical housing needs of families whose housing was damaged and families who were displaced by the disaster.

Applicability: This waiver applies only to housing units located in the declared-disaster areas which were damaged by the disaster and to which HOME funds are committed within two years of December 22, 2023. Property standard requirements are waived for repair of properties damaged by the disaster. Units must meet State and local health and safety codes. The lead housing safety regulations established in 24 CFR part 35 are not waived. Also, accessibility requirements at 24 CFR 92.251(a)(2)(i) are not waived.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 93.151(c).

Project/Activity: Projects located in the declared-disaster area for the severe storms and tornadoes in Tennessee (DR-4751-TN).

Nature of Requirement: This section of the HTF regulation requires initial income determinations for HTF beneficiaries by examining source documents covering the most recent two months.

Granted by: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 2023.

Reason Waived: This waiver permits the grantee to use self-certification of income, as provided in 24 CFR 93.151(d)(2), for HTF assisted units in lieu of source documentation to determine initial eligibility of persons displaced by the disaster.

Applicability: This waiver is only available to the grantee of the declared-disaster area. This waiver applies only to families displaced by the disaster (as evidenced by FEMA registration or other documentation acceptable to the HTF grantee) whose income documentation was destroyed or made inaccessible by the disaster and remains in effect for six months from December 22, 2023. The grantee or, as appropriate, HTF project owner, is required to maintain: (1) a record of FEMA registration to demonstrate that a family was displaced by the disaster; and (2) a statement signed by appropriate family members certifying to the family's size and annual income and that the family's

income documentation was destroyed or is inaccessible.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 93.400(d)(2).

Project/Activity: The State of South Dakota requested a waiver of 24 CFR 93.400(d)(2) to extend the expenditure deadline for its Fiscal Year 2018 grant funds which are currently committed to the North Star II and Creekside Apartments projects, designated as IDIS activities #4504 and 4505, respectively.

Nature of Requirement: The regulation at 24 CFR 93.400(d)(2) requires HUD to reduce or recapture any fiscal year grant funds in the State's HTF Treasury account that are not expanded within 5 years after the date of HUD's execution of the HTF grant agreement. Therefore, the State must expend its annual HTF allocation within 5 years after the date of HUD's execution of the HTF grant agreement.

Granted by: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 21, 2023.

Reason Waived: The Department determined that there is sufficient good cause to grant a waiver of the requirement in 24 CFR 93.400(d)(2) to reduce or recapture the State's unexpended FY 2018 HTF funds committed to the North Star II and Creekside Apartments projects due to construction delays caused by the COVID-19 public health emergency. This waiver will extend the expenditure deadline for the State's FY 2018 HTF funds until September 12, 2024, which will enable the State to retain HTF funds committed to the projects and prevent the potential loss of affordable units if the projects lose necessary funds for completion.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 91.105(b)(4), (c)(2), and (k); 24 CFR 91.115(b)(4), (c)(2), and (i).

Project/Activity: The State of Tennessee and any HUD Community Planning and Development (CPD) grantee located in the counties included in the declared-disaster area (see DR-4751-TN) seeking to expedite action in response to severe storms and tornadoes, may avail themselves of this waiver upon notification to the Community Planning and Development Director in its respective HUD Field Office. This authority is in effect for grantees in the areas covered by the major disaster declaration under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4751-TN dated December 13, 2023, as may be amended (the "Tennessee declared-disaster areas") and is limited to facilitating preparation of the FY 2024 consolidated plan and substantial amendments to prior year plans.

Nature of Requirement: The regulations at 24 CFR 91.105(b)(4), (c)(2), and (k); and 24

CFR 91.115(b)(4), (c)(2), and (i) require a 30-day public comment period in the development of a consolidated plan and prior to the implementation of a substantial amendment.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 2023.

Reason Waived: Several CPD grantees were affected by severe storms and tornadoes that hit Tennessee and received a major disaster declaration on December 13, 2023. As a result of substantial property loss and destruction, many individuals and families residing in the Tennessee declared-disaster areas were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. The waiver granted will allow grantees to expedite recovery efforts for low- and moderate-income residents affected by the property loss and destruction resulting from this event by allowing grantees to shorten the required public comment period to no less than 7 days.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4211.

- **Regulation:** 24 CFR 91.105(b)(2), (c)(2), and (k); 24 CFR 91.115(b)(2), (c)(2), and (i).

Project/Activity: The State of Tennessee and any HUD Community Planning and Development (CPD) grantee located in the counties included in the Tennessee declared-disaster areas (see DR-4751-TN) seeking to expedite action in response to severe storms and tornadoes, may avail themselves of this waiver upon notification to the Community Planning and Development Director in its respective HUD Field Office. This authority is in effect for grantees within the Tennessee declared-disaster areas and is limited to facilitating preparation of FY 2024 consolidated plan and substantial amendments to prior year plans.

Nature of Requirement: The regulations at 24 CFR 91.105(c)(2) and (k) and 24 CFR 91.115(c)(2) and (i) require the grantee to follow its citizen participation plan to provide citizens with reasonable notice and opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be given.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 2023.

Reason Waived: As stated above, several CPD grantees were affected by severe storms and tornadoes that hit Tennessee and received a major disaster declaration on December 13, 2023. As a result of substantial property loss and destruction, many individuals and families residing in the Tennessee declared-disaster areas were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. The waiver granted will allow

grantees to determine what constitutes reasonable notice and opportunity to comment given their circumstances and provide that level of notice and opportunity to comment when amending prior year plans in response to the disaster.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4211.

- **Regulation:** 24 CFR 570.207(b)(4).

Project/Activity: All CDBG grantees located within and outside declared disaster areas assisting persons and families who have registered with FEMA in connection with the severe storms and tornadoes that hit Tennessee and resulted in a disaster declaration on December 13, 2023 (see DR-4751-TN).

Nature of Requirement: The CDBG regulations at 24 CFR 570.207(b)(4) prohibit income payments, but permit emergency grant payments for three months. "Income payments" means a series of subsistence-type grant payments made to an individual or family for items such as food, clothing, housing (rent or mortgage), or utilities. Emergency grant payments made over a period of up to three consecutive months to the providers of such items and services on behalf of an individual or family are eligible public services.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 2023.

Reason Waived: HUD waives the provisions of 24 CFR 570.207(b)(4) to permit emergency grant payments for items such as food, clothing, housing (rent or mortgage), or utilities for up to six consecutive months. While this waiver allows emergency grant payments to be made for up to six consecutive months, the payments must still be made to service providers as opposed to the affected individuals or families. Many individuals and families have been forced to abandon their homes due to the damage associated with severe storms and tornadoes. The waiver will allow CDBG grantees, including grantees providing assistance to evacuees outside the Tennessee declared-disaster areas, to pay for the basic daily needs of individuals and families affected by the severe storms and tornadoes on an interim basis. This authority is in effect through the end of the grantee's 2024 program year. This waiver aligns with waivers currently in effect for CDBG coronavirus (CDBG-CV) grants. The six-month periods allowed by waiver for CDBG and CDBG-CV shall not be used consecutively for the same beneficiary.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4211.

Housing Opportunities for Persons With AIDS

Regulatory Waivers Granted Fourth Quarter of Calendar Year 2023

Mega-Waiver for Tennessee Severe Storms and Tornadoes—Housing Opportunities for Persons With AIDS (HOPWA) Program

On December 22, 2023, HUD issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from Tennessee severe storms and tornadoes in areas covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4751-TN, dated December 13, 2023, as may be amended (the “declared-disaster areas”).

- **Regulation:** 24 CFR 574.310(b)(2), Habitability Standards.

Project/Activity: The habitability requirements in 24 CFR 574.310(b)(2) are waived for units in the declared-disaster areas that are or will be occupied by HOPWA-eligible households, provided that the units are free of life-threatening conditions as defined under table 65 on pages 292–294 of the NSPIRE standards at: www.hud.gov/sites/dfiles/PIHdocuments/6092-N-O5nspire_final_standards.pdf. Grantees must ensure that these units meet HOPWA habitability standards within 60 days of the date of December 22, 2023.

Nature of Requirement: Section 574.310(b)(2) of the HOPWA regulations provides minimum habitability standards that apply to all housing for which HOPWA funds are used for acquisition, rehabilitation, conversion, lease, or repair; new construction of single room occupancy dwellings and community residences; project or tenant-based rental assistance; or operating costs under 24 CFR 574.300(b)(3), (4), (5), or (8).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 2023.

Reason Waived: This waiver is required to enable grantees and project sponsors to expeditiously meet the critical housing needs of the many eligible families in the declared disaster areas.

Contact: Lisa Steinhauer, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (215) 861-7651, lisa.a.steinhauer@hud.gov.

- **Regulation:** 24 CFR 574.320(a)(1), Maximum Subsidy.

Project/Activity: Provided that the maximum subsidy is otherwise calculated as provided by § 574.320(a)(1), the requirement to use the rent standard as provided by § 574.320(a)(1) is waived. This waiver applies to the calculation of rental assistance for any rent amount that takes effect during the two-year period beginning on December 22, 2023, for any individual or family who is renting or executes a lease for a unit in the declared-disaster areas. This waiver would apply for twelve months from the date of the execution

of the lease. Grantees and project sponsors must still ensure the reasonableness of rent charged for units in the declared-disaster areas in accordance with § 574.320(a)(3).

Nature of Requirement: The amount of grant funds used to pay monthly assistance for an eligible person may not exceed the difference between: (i) The lower of the rent standard or reasonable rent for the unit; and (ii) The resident’s rent payment calculated under § 574.310(d).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 2023.

Reason Waived: Permitting the maximum rental assistance subsidy to be calculated under 24 CFR 574.320(a)(1) without regard to the rent standard would enable HOPWA grantees to expedite efforts to meet the critical housing needs of low-income people living with HIV and their families in the declared-disaster areas. Under the programmatic requirements at 24 CFR 574.320(a)(2), the rent standard shall be no more than the published section 8 fair market rent (FMR) or the HUD-approved community-wide exception for the unit size. In addition, on a unit-by-unit basis, the grantee may increase that amount by up to 10 percent for up to 20 percent of the units assisted. Notice CPD-22-10 Clarification of Rent Standard Requirement for the Housing Opportunities for Persons With AIDS (HOPWA) Program provides additional clarity and flexibility on how HOPWA grantees can administer the rent standard in accordance with 24 CFR 574.320(a)(2) and the Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public 16 Housing Agencies To Assist With Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters, 87 FR 469 (Section 8 Disaster Notice) provides additional rent standard flexibility in presidentially declared disaster areas. Due to the extensive damage to housing units in the declared disaster area and the need to ensure safe and decent units are immediately available to eligible households to prevent homelessness and protect the health of the people with HIV served under the program, HUD has determined that it is not practicable for grantees to be held to the rent standards in 24 CFR 574.320(a)(2) even with the additional flexibilities under Notice CPD-22-10 and the Section 8 Disaster Notice. Waiving the requirement to use the rent standard in the calculation of the maximum monthly rental assistance amount under § 574.320(a)(1), while still requiring that the unit be rent reasonable in accordance with § 574.320(a)(3), will make more units immediately available to HOPWA eligible individuals and families in need of permanent housing in the declared-disaster areas and will help to quickly stabilize their housing and health.

Contact: Lisa Steinhauer, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington,

DC 20410, telephone (215) 861-7651, email: lisa.a.steinhauer@hud.gov.

- **Regulation:** 24 CFR 574.530, Recordkeeping.

Project/Activity: The recordkeeping requirement at 24 CFR 574.530 is waived to the extent necessary to allow HOPWA grantees, located within and outside of the declared disaster areas, to assist displaced persons and families, provided that the grantees (1) require written certification of HIV status and income of such individuals and families seeking assistance and (2) obtain source documentation of HIV status and income eligibility within six months of December 22, 2023.

Nature of Requirement: Each grantee must maintain records to document compliance with HOPWA requirements, which includes determining the eligibility of a family to receive HOPWA assistance.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 2023.

Reason Waived: This waiver will permit HOPWA grantees and project sponsors, located within and outside of the declared-disaster areas, to rely upon a family member’s self-certification of income and HIV status in lieu of source documentation to determine eligibility for HOPWA assistance for individuals and families displaced by the disaster. Many individuals and families displaced by the disaster whose homes have been destroyed or damaged will not have immediate access to documentation of income or medical records and, without this waiver, will be unable to document their eligibility for HOPWA assistance.

Contact: Lisa Steinhauer, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (215) 861-7651, email: lisa.a.steinhauer@hud.gov.

I. Mega-Waiver for Tennessee Severe Storms and Tornadoes—CoC and YHDP

On December 22, 2023, Principal Deputy Assistant Secretary Marion McFadden issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from severe storms and tornadoes in areas of Tennessee covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4751-TN, dated December 13, 2023, and as may be amended (the “declared-disaster areas”). The following summarizes the waivers available for CoC Program Recipients.

CoC and YHDP—Permanent Housing Rapid Re-Housing Limit to 24 Months of Rental Assistance

- **Regulation:** 24 CFR 578.37(a)(1)(ii), 24 CFR 578.37(a)(1)(ii)(C), and 24 CFR 578.51(a)(1)(i).

Project/Activity: For two years from the issuance of the waiver, the 24-month limit on rental assistance is waived for individuals and families who meet the following criteria.

(1) The individual or family lives in a declared-disaster area or was displaced from a declared-disaster area as a result of the disaster; and (2) the individual or family is currently receiving rental assistance or begins receiving rental assistance within two years after the date of the issuance of the waiver.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.37(a)(1)(ii) and 24 CFR 578.51(a)(1)(i) defines medium-term rental assistance as 3 to 24 months and 24 CFR 578.37(a)(1)(ii) and 24 CFR 578.37(a)(1)(ii)(C) limits rapid re-housing projects to medium-term rental assistance, or no more than 24 months.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 2023.

Reason Waived: Waiving the 24-month cap on rapid re-housing rental assistance will assist individuals and families affected by the disaster, including those already receiving rental assistance as well as those who will receive rental assistance within 2 years of the date of the issuance of the waiver, to maintain stable permanent housing in another area and help them return to their hometowns, as desired, when additional permanent housing becomes available. It will also provide additional time to stabilize individuals and families in permanent housing where vacancy rates are extraordinarily low due to the disaster. Experience with prior disasters has shown us some program participants need additional months of rental assistance to identify and stabilize in housing of their choice, which can mean moving elsewhere until they are able to return to their hometowns.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

CoC and YHDP—One Year Lease Requirement

- **Regulation:** 24 CFR 578.3, definition of permanent housing, 24 CFR 578.51(l)(1).

Project/Activity: The one-year lease requirement is waived for two years beginning on the date of the issuance of the waiver for program participants living in a declared-disaster area or program participants displaced from a declared-disaster area as a result of the disaster, so long as the initial lease term of all leases is for more than one month, and the leases are renewable for terms that are a minimum of one month long and the leases are terminable only for cause.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.3, definition of permanent housing, and 24 CFR 578.51(l)(1) requires program participants residing in permanent housing to be the tenant on a lease for a term of one year that is renewable and terminable only for cause.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 2023.

Reason Waived: Waiving the one-year lease requirement will allow program participants

receiving PSH or RRH assistance under the CoC Program to enter into leases that have an initial term of less than one year, so long as the leases have an initial term of more than one month. While some program participants desire to identify new housing, many program participants displaced during the disaster desire to return to their original permanent housing units when repairs are complete because of proximity to schools and access to public transportation and services. Additionally, it will permit new program participants to identify permanent housing units in a tight rental market where many landlords prefer lease terms of less than one year and might not be willing to alter their policies regarding the length of lease terms when considering permanent housing applicants. Therefore, HUD had determined that waiving the one-year lease requirement will improve the housing options available to program participants in permanent housing projects.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

CoC and YHDP—One-Time Limit on Moving Costs

- **Regulation:** 24 CFR 578.53(e)(2)

Project/Activity: The one-time limit on moving costs of program participants is waived for two years beginning on the date of the issuance of the waiver for program participants living in a declared-disaster area or program participants displaced from a declared-disaster area as a result of the disaster.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.53(e)(2) limits recipients of supportive service funds to using those funds to pay for moving costs to provide reasonable moving assistance, including truck rental and hiring a moving company, to only one-time per program participant.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 2023.

Reason Waived: Waiving this provision will permit recipients to pay for reasonable moving costs for program participants more than once and will assist program participants affected by the disaster as well as those who become homeless in the areas impacted by the disaster to stabilize in housing locations of their choice. Many current program participants received assistance moving into their assisted units prior to being displaced by the disaster, and experience with prior disasters has shown us some program participants will need additional assistance moving to a new unit while others will need assistance moving back to their original units after repairs are completed. Further, until the housing market stabilizes, experience has shown many program participants will need to move more than once during their participation in a program to find a unit that best meets their needs.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

CoC and YHDP—Fair Market Rent (FMR) Cap on Rent Paid With Leasing Funds

- **Regulation:** 24 CFR 578.49(b)(2).

Project/Activity: The FMR restriction is waived for any lease executed by a recipient or subrecipient in declared-declared areas to provide transitional or permanent supportive housing during the 2-year period beginning on the date of the issuance of the waiver. The affected recipient or subrecipient must still ensure that rent paid for individual units that are leased with CoC Program leasing dollars meet the rent reasonableness standard in 24 CFR 578.49(b)(2) meaning the rent paid must be reasonable in relation to rents being charged for comparable units, taking into account the location, size, type, quality, amenities, facilities, and management services.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.49(b)(2) prohibits a recipient from using grant funds for leasing to pay above FMR when leasing individual units, even if the rent is reasonable when compared to other similar, unassisted units.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 2023.

Reason Waived: Waiving the limit on using leasing funds to pay above FMR for individual units above FMR, but not greater than reasonable rent, will provide recipients and subrecipients with more flexibility in identifying housing options for program participants in declared-declared areas. The rental markets in areas impacted by disasters are often more expensive after the disaster due to decreased housing stock and increased rents. These more expensive rents are not reflected in the HUD-determined FMRs.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

CoC and YHDP—Disability Documentation for Permanent Supportive Housing (PSH)

- **Regulation:** 24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B).

Project/Activity: The requirement that intake-staff recorded observations of disability be confirmed and accompanied by other evidence no later than 45 days from the date of application for assistance is waived for any program participant admitted into PSH funded by the CoC program one-year from the date of the issuance of the waiver so long as (1) the intake-staff records observations of disability in the client file at time of application; or (2) the individual seeking assistance provides written certification that they have a qualifying disability is provided at time of application.

Nature of Requirement: 24 CFR 578.103(a) requires recipient to maintain records

providing evidence they met program requirements and 24 CFR 578.103(a)(4)(i)(B) establishes the requirements for documenting disability for individuals and families that meet the “chronically homeless” definition in 24 CFR 578.3. Acceptable evidence of disability includes intake-staff recorded observations of disability no later than 45 days from the date of application for assistance, which is confirmed and accompanied by evidence in paragraphs 24 CFR 578.103(a)(4)(i)(B)(1), (2), (3), or (5). HUD is waiving the requirement to obtain additional evidence to confirm staff-recorded observations of disability.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 2023.

Reason Waived: Waiving the requirement to obtain additional evidence of disability as provided in 24 CFR 578.103(a)(4)(i)(B)(4) as specified below will allow recipient to house people impacted by severe storms and tornadoes in Tennessee by relying on intake staff-recorded observations of disability or a written self-certification by the program participant. This will help individuals and families with disabilities to expeditiously receive needed housing assistance when paperwork from the Social Security Administration or medical professionals cannot be quickly obtained.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

II. Mega-Waiver for Tennessee Severe Storms and Tornadoes—ESG

On December 22, 2023, Principal Deputy Assistant Secretary Marion McFadden issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from severe storms and tornadoes in areas of Tennessee covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4720-VT, dated December 13, 2023, and as may be amended (the “declared-disaster areas”). The following summarizes the waivers available for ESG Program Recipients.

ESG—Term Limits on Rental Assistance and Housing Relocation and Stabilization Services

- *Regulation:* 24 CFR 576.106(a); 24 CFR 576.105(a)(5); and 24 CFR 576.105(b)(2)—Term limits on Rental Assistance and Housing Relocation and Stabilization Services.

Project/Activity: The 24-month limits on rental assistance and housing relocation and stabilization services are waived for individuals and families who meet both of the following criteria: (1) the individual or family lives in a declared-disaster area or was displaced from a declared-disaster area as a result of severe storms and tornadoes in Tennessee; and (2) the individual or family

is currently receiving rental assistance or housing relocation stabilization services or begins receiving rental assistance or housing relocation and stabilization services within two years after the date of the issuance of the waiver. For these individuals and families, ESG funds may be used to provide up to 36 consecutive months of rental assistance, utility payments, and housing stability case management, in addition to the 30 days of housing stability case management that may be provided before the move into permanent housing under 24 CFR 576.105(b)(2). HUD will also consider further waiver requests to allow assistance to be provided for longer than three years, if the recipient demonstrates good cause.

Nature of Requirement: The ESG regulation at 24 CFR 576.106(a) prohibits a program participant from receiving more than 24 months of ESG rental assistance during any 3-year period. Section 576.105(a)(5) prohibits a program participant from receiving more than 24 months of utility payments under ESG during any 3-year period. Section 576.105(b)(2) limits the provision of housing stability case management to 30 days while the program participant is seeking permanent housing and 24 months while the program participant is living in permanent housing.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 2023.

Reason Waived: Waiving the 24-month caps on rental assistance, utility payments, and housing stability case management assistance will assist individuals and families, both those already receiving assistance and those who will receive assistance subsequent to the date of the issuance of the waiver to maintain stable permanent housing in place or in another area and help them return to their hometowns, as desired, when additional permanent housing is available.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

ESG—Restriction of Rental Assistance to Units With Rent at or Below Fair Market Rent (FMR)

- *Regulation:* 24 CFR 576.106(d)(1).

Project/Activity: The FMR restriction is waived for any rent amount that takes effect during the two-year period beginning on the date of the issuance of the waiver for any individual or family who is renting or executes a lease for a unit in a declared-disaster area. However, the affected recipients and their subrecipients must still ensure that the units in which ESG assistance is provided to these individuals and families meet the rent reasonableness standard. HUD will consider requests to waive the FMR restriction for rent amounts that take effect after the two-year period, if a recipient demonstrates good cause.

Nature of Requirement: Under 24 CFR 576.106(d)(1), rental assistance cannot be provided unless the total rent is equal to or less than the FMR established by HUD, as

provided under 24 CFR part 888, and complies with HUD’s standard of rent reasonableness, as established under 24 CFR 982.507.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 2023.

Reason Waived: HUD granted this waiver to enable ESG recipients to meet the critical housing needs of individuals and families whose housing was damaged or who were displaced as a result of severe storms and tornadoes in Tennessee. Waiving the FMR restriction will make more units available to individuals and families in need of permanent housing.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

ESG—Housing Standards

- *Regulation:* 24 CFR 576.403(c).

Project/Activity: The ESG housing standards at 24 CFR 576.403(c) are waived for units in the declared disaster area that are or will be occupied by individuals or families eligible for ESG Rapid Re-housing or Homelessness Prevention assistance, provided that: 1. Each unit must still meet applicable state and local standards; 2. Each unit must be free of life-threatening conditions listed under table 65 on pages 292–294 of the NSPIRE standards at: www.hud.gov/sites/dfiles/PII-1/documents/6092-NO5nspire_final_standards.pdf; and 3. Recipients must make sure all units in which program participants are assisted meet the ESG housing standards within 60 days of the date of the issuance of the waiver.

Nature of Requirement: If ESG funds are used to help a program participant remain in or move into housing, the housing must meet the minimum habitability standards provided in 24 CFR 576.403(c).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 2023.

Reason Waived: This waiver is needed to enable ESG recipients to expeditiously meet the critical housing needs of many eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

ESG—Shelter Standards

- *Regulation:* 24 CFR 576.403(b).

Project/Activity: The ESG shelter standards at 24 CFR 576.403(b) are waived for shelters in the declared disaster area that are or will be occupied by individuals and families eligible for ESG emergency shelter assistance, provided that: (1) Each shelter must meet applicable state and local standards; (2) Each shelter must be free of life-threatening conditions defined in Notice PIH 2017-20

(HA); and (3) Recipients ensure that these shelters meet ESG shelter standards within 60 days of the date of the issuance of the waiver.

Nature of Requirement: If ESG funds are used for shelter operations costs, the shelter must meet the minimum safety, sanitation and privacy standards under 24 CFR 576.403(b). If ESG funds are used to convert a building into a shelter, rehabilitation a shelter, or otherwise renovate a shelter, the shelter must meet the minimum safety, sanitation, and privacy standards in 24 CFR 576.403(b) as well as applicable state or local government safety and sanitation standards.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 2023.

Reason Waived: This waiver is needed to enable ESG recipients to expeditiously meet the critical emergency shelter needs of many eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

ESG—Limited Waiver of 24-Month Expenditure Deadline for Rapid Re-Housing and Homelessness Prevention Assistance and Related Administrative and HMIS Costs

- **Regulation:** 24 CFR 576.203(b).

Project/Activity: The expenditure deadline is waived only for costs of providing homelessness prevention and rapid re-housing assistance to individuals and families under the flexibility provided by ESG waivers on term limits on rental assistance and housing relocation and stabilization services; restriction of rental assistance to units with rent at or below FMR; assisting program participants with subleases; and reasonable HMIS and administrative costs related to that assistance. In addition, no expenditure may be made or charged to any grant on or after the date Treasury closes the relevant account as provided by 31 U.S.C. 1552.

Nature of Requirement: Section 576.203(b) of the ESG regulations requires all expenditures under an ESG grant to be made within 24 months after the date HUD signs the grant agreement with the recipient. For purposes of this requirement, expenditure means either an actual cash disbursement for a direct charge for a good or service or an indirect cost, or the accrual of a direct charge for a good or service or an indirect cost.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 2023.

Reason Waived: Providing a limited waiver of the expenditure deadline for costs of providing homelessness prevention and rapid re-housing assistance to individuals and families will support recipients' ability to assist individuals and families as provided by other ESG program waivers related to this disaster.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of

Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

ESG—Assisting Program Participants With Subleases

- **Regulation:** 24 CFR 576.105 and 24 CFR 576.106.

Project/Activity: The requirements in 24 CFR 576.105 and 576.106 are waived to the extent that the references to "owner" and "lease" in 24 CFR 576.105 and 576.106 restrict an individual or family from receiving assistance in a unit they rent from the primary leaseholder, provided that all of the following criteria are met: (1.) The individual or family lives in the declared-disaster area or was displaced from the declared-disaster area as a result of severe storms and tornadoes in Tennessee; (2.) The individual or family is currently receiving ESG-funded rental assistance as the leaseholder or housing relocation stabilization services or begins receiving rental assistance or housing relocation stabilization services within two years after the date of the issuance of the waiver; (3.) The individual or family chooses to rent a unit through a legally valid sublease or lease with the primary leaseholder for the unit; and (4.) The recipient has developed written policies to apply the requirements of 24 CFR 576.105, 24 CFR 576.106, 24 CFR 576.409, and 24 CFR 576.500(h) with respect to that program participant by reading the references to "owner" and "housing owner" to apply to the primary leaseholder and reading the references to "lease" to apply to the program participant's sublease or lease with the primary leaseholder.

Nature of Requirement: The use of "owner" and "lease" in 24 CFR 576.105 and 576.106 prohibit program participants from receiving rental assistance under 24 CFR 576.106 and certain services under 24 CFR 576.105 with respect to units that program participants rent from a person other than the owner or the owner's agent. Justification: By increasing the permissible housing options for program participations, this waiver would allow the recipient to meet the critical housing needs of more eligible individuals and families in the declared disaster area.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 2023.

Reason Waived: By increasing the permissible housing options for program participations, this waiver would allow the recipient to meet the critical housing needs of more eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

III. Individual Waivers—CoC Program

- **Regulation:** 24 CFR 578.3, definition of permanent housing, 24 CFR 578.51(l)(1).

Recipient: Boise City/Ada County Housing Authority.

Grant numbers: ID0002L0E002215 and ID0002L0E002316.

Project/Activity: The one-year lease requirement is waived for Coordinated Housing Opportunities and Individualized Services (CHOIS) permanent supportive housing (PSH) project under grant number ID0002L0E002215 beginning on the date of the issuance of the waiver for program participants so long as the initial lease term of all leases is for more than one month, and the leases are renewable for terms that are a minimum of one month long and the leases are terminable only for cause. Subject to funding availability, this waiver will apply to FY2023 CoC grants awarded to the CHOIS PSH project (ID0002L0E002316) to the same extent as provided for ID0002L0E002215, unless otherwise prohibited or provided by HUD.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.3, definition of permanent housing, and 24 CFR 578.51(l)(1) requires program participants residing in permanent housing to be the tenant on a lease for a term of one year that is renewable and terminable only for cause.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: December 21, 2023.

Reason Waived: Waiving the one-year lease requirement will allow program participants in the Permanent Supportive Housing programs in Boise City/Ada County Housing Authority cited above to enter into leases that have an initial term of less than one year, so long as the leases have an initial term of more than one month. Several subsidized housing programs in Ada County currently allow leases that are less than one year in length; this waiver will permit new program participants to identify permanent housing units in a tight rental market where many landlords prefer lease terms of less than one year and might not be willing to alter their policies regarding the length of lease terms when considering permanent housing applicants. Therefore, HUD had determined that waiving the one-year lease requirement will improve the housing options available to program participants in permanent housing projects.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

IV. Individual Waivers—ESG Program

- **Regulation:** Section V.A.1 of Notice CPD-22-06.

Project/Activity: HUD granted a waiver of the September 30, 2023, deadline that Section V.A.1 of Notice CPD-22-06 established for completing all ESG-CV expenditures, except for certain closeout-related expenditures and expenditures of reallocated ESG-CV amounts, in the November 13, 2023 memorandum: City of Fall River Request for Waiver of ESG-CV Expenditure Deadline Established by Notice

CPD-22-06, Section V.A.1. HUD waived the applicable requirements to the extent necessary to specify an alternative requirement that the recipient shall expend all ESG-CV funding by March 31, 2024.

Nature of Requirement: Section V.A.1 of Notice CPD-22-06 established a deadline of September 30, 2023 for completing all ESG-CV expenditures, except for certain closeout-related expenditures and expenditures of reallocated ESG-CV amounts.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: November 13, 2023.

Reason Waived: Waiving the September 30, 2023 expenditure deadline is necessary to prevent, prepare for, and respond to coronavirus, because the City of Fall River experienced a 385 percent increase in COVID-19 cases between July and September 2023, and the number of people in emergency shelters doubled. The expenditure deadline waiver was needed as part of the city's coronavirus response efforts, not only because of the increasing number of coronavirus infections and hospitalizations but also because of the rise in homelessness in the city of Fall River from 2020 through 2023. The city of Fall River's ability to continue ESG-CV activities, especially homelessness prevention, rapid rehousing, and administration, is time-sensitive due to the anticipated spike in coronavirus cases this winter. Without the extension of the expenditure deadline, the city of Fall River will be less equipped, with significantly less shelter, street outreach, and housing assistance, to respond to the expected surge in infections.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

• *Regulation:* Section V.A.1 of Notice CPD-22-06.

Project/Activity: HUD granted a waiver of the September 30, 2023, deadline that Section V.A.1 of Notice CPD-22-06 established for completing all ESG-CV expenditures, except for certain closeout-related expenditures and expenditures of reallocated ESG-CV amounts, in the November 20, 2023 memorandum: Town of Islip's Request for Waiver of ESG-CV Expenditure Deadline Established by Notice CPD-22-06, Section V.A.1. HUD waived the applicable requirements to the extent necessary to specify an alternative requirement that the recipient shall expend all ESG-CV funding by March 31, 2024.

Nature of Requirement: Section V.A.1 of Notice CPD-22-06 established a deadline of September 30, 2023 for completing all ESG-CV expenditures, except for certain closeout-related expenditures and expenditures of reallocated ESG-CV amounts.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: November 20, 2023.

Reason Waived: Waiving the September 30, 2023 expenditure deadline is necessary to

prevent, prepare for, and respond to coronavirus, because the rate of COVID infections has increased dramatically in the jurisdiction, and the rate was projected to increase through the fall. The expenditure deadline waiver was needed to complete an elevator renovation to alleviate overcrowding at an emergency shelter serving approximately 300 residents at any given time, thus reducing the spread of COVID. This shelter has been critical to the jurisdiction's COVID response by assisting families who were in congregate settings and giving them the ability to quarantine to mitigate spread of COVID.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

II. Regulatory Waivers Granted by the Office of Housing—Federal Housing Administration (FHA)

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* 24 CFR 219.220(b)(1995) "Payment and Repayment of Operating Assistance" of the Federal Housing Administration's (FHA) regulations".

Project/Activity: Northside Terrace aka Graham Village Apartments; FHA No. 017-55069F/017-41020; Torrington, Connecticut.

Nature of Requirement: That provision sets forth the requirements that govern the repayment of operating assistance under the Flexible Subsidy Program for Troubled Projects and states "Assistance that has been paid to a project owner under this subpart must be repaid at the earlier of the expiration of the term of the mortgage, termination of mortgage insurance, prepayment of the mortgage, or sale of the project."

Granted by: Julia R. Gordon, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 15, 2023.

Reason Waived: The regulation at 24 CFR 219.220(b)(1995) was waived to permit the deferment of the outstanding balance of the Flexible Subsidy Loans, plus accrued interest, for Northside Terrace, and permit the Owner to repay the loans through a repayment plan. This waiver is effective from the date of issuance. The Project encountered various operational difficulties over the years, and was transferred to John Kelly Housing Corporation, a Connecticut nonprofit corporation ("JKHC"). Despite significant efforts to service the Project's debt over the years, the Project defaulted on its debt in the early 1990s. The rehabilitation, remediation, and preservation transaction proposed by The Community Builder (TCB) will, in addition to preserving the Project as much-needed affordable housing, enable TCB to accomplish environmental remediation of the Project and the rehabilitation of all the Project's ninety-one (91) units in the aggregate amount of approximately \$288,870 per unit.

Contact: Maurice Barry, Office of Housing, Department of Housing and Urban

Development, 10 Causeway Street, 3rd Floor, Boston, MA 02222, telephone (617) 994-8539.

III. Regulatory Waivers Granted by the Office of Public and Indian Housing

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

Regulation: 24 CFR 982.306(d).

Nature of Requirement: The PHA must not approve a unit if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless the PHA determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities.

Project/Activity: County of Maui Housing Authority.

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: December 20, 2023.

Reason Waived: With the already low housing inventory in Maui County, coupled with the decreased housing inventory in Lahaina and Kula, and with many families searching for homes, waiving the requirement will allow for both displaced families and families searching for suitable units to be rehoused swiftly, which will alleviate and prevent homelessness. HUD therefore grants the waiver.

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, 451 Seventh St. SW, Suite 3180, Washington, DC 20410-5000, telephone (202) 402-7026; email to PIH_Disaster_Relief@hud.gov.

• *Regulation:* 24 CFR 982.503(b)(1)(iv).

Nature of Requirement: At the request of a PHA administering the HCV program under Small Area FMRs under § 888.113(c)(3), HUD may approve an exception payment standard for a Small Area FMR area above the 110 percent of the published FMR in accordance with conditions set forth by Notice in the **Federal Register**.

Project/Activity: Allegheny County Housing Authority (ACHA).

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: December 14, 2023.

Reason Waived: The ACHA has provided good cause for waiving 24 CFR 982.503(b)(1)(iv). In order to achieve the goals of the Community Choice Demonstration and to provide access to low-poverty neighborhoods for families in their voucher program, the ACHA needs to establish exception payment standards over 110 percent of the SAFMR, where justified by statistically representative housing survey data. Therefore, the Department has determined that there is good cause to waive 24 CFR 982.503(b)(1)(iv).

Contact: Brendan Goodwin, Senior Housing Program Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, Boston, Room 553, Washington, DC 20410, telephone (202) 402-4390; email brendan.c.goodwin@hud.gov.

- *Regulation:* 24 CFR 983.53(c), 983.258, 983.211, and 983.301.

Nature of Requirement: Under normal PBV rules, the PHA may select an occupied unit to be included under the PBV HAP Contract only if the unit's occupants are eligible for housing assistance payments (24 CFR 983.53(c)). Also, a PHA must remove a unit from the HAP Contract when no assistance has been paid for 180 days because the family's total tenant payment (TTP) has risen to a level that is equal to or greater than the Gross Rent. (24 CFR 983.258 and § 983.211). 24 CFR 983.301 outlines PBV program requirements on determining the rent to owner.

Project/Activity: Vancouver Housing Authority (VHA).

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: December 12, 2023.

Reason Waived: The requested waiver will allow the VHA to apply the alternative requirements applicable to pre-conversion residents to new admission families. Pursuant to the waiver authority provided at 24 CFR 5.110 and considering the VHA demonstrating the criteria set forth in the RAD Notice has been met, HUD granted the waivers so that the VHA may apply the alternative requirements applicable to pre-conversion residents to new admission families.

Contact: Melissa West, Office of Public and Indian Housing, Department of Housing and Urban Development, Denver, SW, Room 25th Floor, Washington, DC 20410, telephone (303) 672-5352; email: melissa.west@hud.gov.

- *Regulation:* 24 CFR 983.3.

Nature of Requirement: The regulation defines terms related to Project-Based Vouchers. Specific to the context of this waiver, the regulation defines a "project" as "a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land" and "contiguous" as "adjacent to, as well as touching along a boundary or a point." These definitions help define a PBV requirement that a separate PBV HAP contract be executed for each PBV project.

Project/Activity: New York City Housing Authority (NYCHA).

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: November 14, 2023.

Reason Waived: HUD waived 24 CFR 983.3 so that NYCHA may use the proposed definition of "project" for the redevelopment that includes the 16 sites and 1,698 units identified in NYCHA's request. Through the waiver approval, NYCHA can reduce the number of overall HAP contracts for the redevelopment from 28 to four RAD and non-RAD PBV HAP contracts. This waiver does not apply to any other units in NYCHA's portfolio.

This waiver does not apply to any other units in NYCHA's portfolio.

Contact: Nathaniel Johnson, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410,

telephone (202) 402-5156 or Nathaniel.Johnson@hud.gov.

- *Regulation:* 24 CFR 983.53(c), 983.259, 983.211, and 983.301.

Nature of Requirement: Under normal PBV rules, the PHA may select an occupied unit to be included under the PBV HAP Contract only if the unit's occupants are eligible for housing assistance payments (24 CFR 983.53(c)). Also, a PHA must remove a unit from the HAP Contract when no assistance has been paid for 180 days because the family's total tenant payment (TTP) has risen to a level that is equal to or greater than the Gross Rent. (24 CFR 983.258 and § 983.211). 24 CFR 983.301 outlines PBV program requirements on determining the rent to owner.

Project/Activity: South Portland Housing Authority (SPHA).

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: November 8, 2023.

Reason Waived: The SPHA has demonstrated the monthly two-bedroom RAD Gross Rent is less than 30% of the monthly income of a family of four at the midpoint between the VLI HUD Income Limit and ELI HUD Income Limit for the area in which the Covered Project is located. HUD grants the waivers so that the SPHA may apply the alternative requirements applicable to pre-conversion residents to new admission families for the initial term of the PBV Housing Assistance Payment (HAP) Contract.

Contact: Melissa West, Office of Public and Indian Housing, Department of Housing and Urban Development, Denver, Washington, DC 20410, email: melissa.west@hud.gov.

- *Regulation:* 24 CFR 983.53(d), 983.152(c), and 983.153(c).

Nature of Requirement: Prohibition on a public housing agency (PHA) from executing an Agreement to Enter into a Housing Assistance Payment (AHAP) contract and attaching Project-Based Voucher (PBV) assistance to units if construction or rehabilitation has commenced after proposal submission.

Project/Activity: Charlottesville Redevelopment and Housing Authority (CRHA).

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: November 8, 2023.

Reason Waived: In August 2023, the CRHA performed lead and asbestos testing, which identified hazards requiring mitigation that needed to be performed immediately for the health and safety of residents in the neighborhood and adjacent community (South First Street Phase One). Additionally, approval of the waiver would also allow the CRHA to meet LIHTC requirements for incurring at least 10 percent of the reasonably accepted basis in the project by a certain threshold date or risk 2 loss of the credit allocation. Considering the good cause presented, HUD grants the waivers.

Contact: Nathaniel Johnson, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 402-5156 or Nathaniel.Johnson@hud.gov.

- *Regulation:* 24 CFR 983.53(d), 983.152(c), and 983.153(c).

Nature of Requirement: Prohibition on a public housing agency from executing an Agreement to Enter into a Housing Assistance Payment (AHAP) contract and attaching Project-Based Voucher (PBV) assistance to units if construction or rehabilitation has commenced after proposal submission.

Project/Activity: Inglewood Housing Authority (IHA).

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: November 21, 2023.

Reason Waived: The IHA tentatively awarded 59 project-based vouchers (PBVs) to Creating Thriving Communities, Limited Liability Company, for the development of Sankofa Place at Centinela, a new construction community that will build 120 units serving low to moderate income households, including households currently experiencing homelessness. The site, located at 400 Centinela Avenue, Inglewood, CA, is currently home to the Church of Latter-Day Saints Chapel, which has been vacant for several years. There are public safety concerns since there have been instances of attempted vandalism with suspected intention to steal water and electricity. The risk of maintaining a site with a vacant building is a hazard when utilities can be tampered with, which could lead to accidents such as explosions from unsafe electrical wiring and water damage if copper pipes are removed. Further, in accordance with the purchase and sale agreement executed in October 2022, Creating Thriving Communities, Limited Liability Company, is required to commence demolition of the existing building on the site within one year of closing. And lastly, the Subsidy Layering Review (SLR) cannot be started until all financing is secured. It was anticipated that financing will be secured between June 2024 and December 2024. IHA explained that allowing the demolition and abatement to proceed before the AHAP is executed will result in the completion of the housing faster and before changes in the economy could render the phases unfinanceable, ultimately prolonging the lack of affordable housing units within the community. It is also important for the safety of the local community that the demolition and site preparation commence as soon as possible to avoid vandalism.

Contact: Nathaniel Johnson, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 402-5156 or Nathaniel.Johnson@hud.gov.

- *Regulation:* 24 CFR 982.505(c)(4) Increase in Payment Standard During Housing Assistance Payment (HAP) Contract Term.

Nature of Requirement: If the payment standard amount is increased during the term of the HAP contract, the increased payment standard amount shall be used to calculate the monthly housing assistance payment for the family beginning at the effective date of the family's first regular reexamination on or

after the effective date of the increase in the payment standard amount.

Granted by: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Reason Waived: The PHAs were authorized to increase the payment standards for families at any time after the effective date of the payment standard increase, rather than waiting for the next regular reexamination. These waivers were approved consistent with

the streamlined regulatory waiver process in Notice PIH 2023–29, which allowed PHAs to request regulatory waivers that would assist PHAs in responding to ongoing fluctuations and disruptions in the rental market by providing more flexibility with establishing and applying payment standards. These waivers were provided to the PHAs because allowing for earlier implementation of increased payment standards for families helped ensure that families living in rental

markets with ongoing fluctuations and disruptions were not adversely impacted by rapidly increasing rents.

Contact: Tesia Anyanaso, Public and Indian Housing, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, 451 Seventh Street SW, Suite 3180, Washington, DC 20410–5000, telephone (202) 402–7026; email to PIH_Expedited_Waivers@hud.gov.

PHA code	PHA name	Approved date
AL047	The Housing Authority of the City of Huntsville	12/21/2023
AR161	Conway County Housing Authority	12/21/2023
AZ001	City of Phoenix Housing Department	12/28/2023
CA053	Kings County Housing Auth	12/19/2023
CO048	Englewood Housing Authority	12/21/2023
CO057	Sheridan Housing Authority	12/21/2023
CO095	Garfield County Housing Authority	12/21/2023
CT003	Housing Authority of the City of Hartford	12/15/2023
CT009	Middletown Housing Authority	12/14/2023
CT039	Housing Authority of the Town of West Hartford	12/26/2023
FL080	Palm Beach County Housing Authority	12/15/2023
FL110	Walton County Housing Authority	12/27/2023
IA042	Centerville Municipal Housing Agency	12/14/2023
IA129	Northwest Iowa Regional Housing Authority	11/15/2023
ID013	Boise City Housing Authority	12/15/2023
ID021	Ada County Housing Authority	12/15/2023
IL003	Peoria Housing Authority	12/21/2023
IL084	Fulton County Housing Authority	11/15/2023
IN015	Housing Authority of South Bend	12/19/2023
IN017	Indianapolis Housing Agency	12/26/2023
IN018	Housing Authority of the City of Tell City	12/14/2023
IN021	Housing Authority of the City of Terre Haute	11/14/2023
IN023	Housing Authority of the City of Jeffersonville	12/28/2023
IN029	Housing Authority of the City of East Chicago	12/20/2023
IN035	Brazil Housing Authority	12/14/2023
IN037	Mount Vernon Housing Authority	12/29/2023
IN055	Linton Housing Authority	12/14/2023
IN056	Seymour Housing Authority	12/19/2023
IN067	Knox County Housing Authority	12/29/2023
IN071	Housing Authority of the City of Lafayette	12/21/2023
IN079	Housing Authority of the City of Elwood	12/14/2023
IN080	Housing Authority of the City of Noblesville	12/28/2023
IN092	Housing Authority of the City of Logansport	12/29/2023
IN100	Housing Authority of the County of St. Joseph	12/28/2023
KS162	Johnson County Housing Authority	11/15/2023
KY169	Laurel County Section 8 Housing	12/22/2023
LA003	Housing Authority of East Baton Rouge	11/15/2023
LA037	Housing Authority of the City of Minden	12/28/2023
MA040	Dedham Housing Authority	11/15/2023
M006	Hagerstown Housing Authority	12/20/2023
M024	County Commissioners Charles County	12/21/2023
ME003	Portland Housing Authority	12/28/2023
ME006	Brunswick Housing Authority	12/21/2023
ME007	Auburn Housing Authority	12/14/2023
ME019	Bath Housing Authority	12/15/2023
ME027	Ellsworth Housing Authority	12/21/2023
ME901	Maine State Housing Authority	12/21/2023
MI036	Sault Ste Marie Housing Commission	12/15/2023
MI064	Ann Arbor Housing Commission	12/15/2023
MI084	Boyer City Housing Commission	12/20/2023
MN003	HRA of Duluth, Minnesota	12/12/2023
MN090	HRA of Red Wing, Minnesota	11/22/2023
MN158	NW MN Multi-County HRA	12/21/2023
MN174	Housing And Redevelopment Authority of Yellow	12/29/2023
MO006	Housing Authority of the City of St. Charles	12/28/2023
MO007	Housing Authority of the City of Columbia, MO	11/14/2023
MO064	New Madrid	12/28/2023
MO198	Boone County Public Housing Agency	12/14/2023
MO199	Lincoln County Public Housing Agency	12/20/2023
MO209	Housing Authority of the City of Cabool	12/20/2023
MO210	Liberty Housing Authority	12/19/2023
MS005	The Housing Authority of the City of Biloxi	12/15/2023

PHA code	PHA name	Approved date
MS301	Bay Waveland Housing Authority	12/12/2023
MT001	Housing Authority of Billings	12/28/2023
MT004	Helena Housing Authority	10/31/2023
MT033	Missoula Housing Authority	12/15/2023
MT901	Montana Department of Commerce	10/31/2023
NC006	Housing Authority of the City of High Point	11/22/2023
NC012	Housing Authority of the City of Winston-Salem	12/12/2023
ND010	Morton County Housing Authority	10/31/2023
ND011	Housing Authority of Stutsman County, ND	11/15/2023
ND016	Eddy County Housing Authority	11/15/2023
ND052	Dickey/Sargent Counties	11/15/2023
NE157	Norfolk Housing Agency	12/28/2023
NH008	Housing Authority of the City of Rochester NH	12/19/2023
NJ032	Rahway Housing Authority	12/19/2023
NV905	Nevada Rural Hsg Auth	12/28/2023
NY041	Rochester Housing Authority	12/12/2023
NY079	Glens Falls Housing Authority	12/19/2023
NY504	City of Fulton	12/28/2023
OH003	Cuyahoga Metropolitan Housing Authority	12/12/2023
OH007	Akron Metropolitan Housing Authority	12/21/2023
OH020	Belmont Metropolitan Housing Authority	10/31/2023
OH032	Hocking Metropolitan Housing Authority	12/14/2023
OH033	Cambridge Metropolitan Housing Authority	12/12/2023
OH053	Clinton Metropolitan Housing Authority	12/14/2023
OH058	Monroe Metropolitan Housing Authority	12/14/2023
OH060	Pike Metropolitan Housing Authority	12/21/2023
PA052	Housing Authority of the County of Lebanon	12/15/2023
PA057	Housing Authority of the County of Luzerne	12/12/2023
PA071	Housing Authority of the County of Berks	11/15/2023
PA076	Northampton County Housing Authority	12/21/2023
PA081	Lehigh County Housing Authority	12/15/2023
RI001	Housing Authority Providence	12/28/2023
RI005	The Housing Authority of the City of Newport	12/21/2023
RI016	Coventry Housing Authority	12/26/2023
RI022	Warren Housing Authority	12/12/2023
RQ005	Formerly 901 and 911	12/27/2023
RQ006	Municipality of San Juan	12/21/2023
RQ012	Municipality of Aguadilla	12/21/2023
RQ033	Municipality of Utuado	12/19/2023
RQ041	Municipality of Gurabo	12/20/2023
RQ061	Municipality of Cabo Rojo	12/15/2023
RQ062	Municipality of Cidra	12/19/2023
RQ071	Municipality of Lajas	12/14/2023
RQ077	Municipality of Juncos	12/28/2023
SC022	Housing Authority of Rock Hill	12/27/2023
SC023	Housing Authority of Sumter	12/14/2023
SC034	Housing Authority of Myrtle Beach	12/21/2023
SD016	Sioux Falls Housing And Redevelopment Commission	12/21/2023
SD026	Redfield Housing And Redevelopment Commission	11/14/2023
SD037	Milbank Housing & Redevelopment Commission	11/14/2023
SD043	Watertown Housing And Redevelopment Commission	11/22/2023
SD056	Brookings Housing & Redevelopment Commission	10/31/2023
SD057	Mobridge Housing & Redevelopment Commission	11/14/2023
TN004	Chattanooga Housing Authority	11/14/2023
TN903	Tennessee Housing Development Agency	11/22/2023
TX493	Terrell Housing Authority	10/31/2023
UT009	Davis Community Housing Authority	12/19/2023
UT020	Tooele County Housing Authority	11/17/2023
UT026	Logan City Housing Authority	12/12/2023
UT030	Bear River Regional Housing Authority	12/12/2023
WA003	Housing Authority of the City of Bremerton	12/21/2023
WA004	Peninsula Housing Authority	12/26/2023
WA012	HA City of Kennewick	10/31/2023
WA021	HA City of Pasco And Franklin County	10/31/2023
WA024	HA of Island County	12/22/2023
WA036	Kitsap County Consolidated Housing Auth	12/21/2023
WA071	Housing Authority of Okanogan County	12/20/2023
WI002	Housing Authority of the City of Milwaukee	12/20/2023
WI068	Wisconsin Rapids Housing Authority	12/14/2023
WI186	Brown County Housing Authority	10/31/2023
WI213	Housing Authority of Winnebago County, Wi	12/19/2023
WI222	Sawyer County Housing Authority	12/19/2023
WI231	Ashland County Housing Authority	12/12/2023
WI237	Portage County Housing Authority	11/17/2023

PHA code	PHA name	Approved date
WI245	Barron County Housing Authority	12/28/2023

• *Regulation:* 24 CFR 982.503(b)(1)(iv).
Nature of Requirement: At the request of a PHA administering the HCV program under Small Area FMRs, HUD may approve an exception payment standard for a Small Area FMR area above the 110 percent of the published FMR in accordance with conditions set forth by Notice in the **Federal Register**.

Granted by: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Reason Waived: The PHAs were authorized to adopt a payment standard above the basic range, up to 120 percent of the Small Area FMR. These waivers were approved consistent with the streamlined regulatory waiver process in Notice PIH 2023–29, which allowed PHAs to request regulatory waivers that would assist PHAs in responding to ongoing fluctuations and disruptions in the rental market by providing more flexibility with establishing and applying payment standards. These waivers were provided to the PHAs because allowing for an exception

payment standard up to 120 percent of the Small Area FMR helped ensure that families living in rental markets with ongoing fluctuations and disruptions were not adversely impacted by rapidly increasing rents, and were able to find rental units with their voucher.

Contact: Tesia Anyanaso, Public and Indian Housing, Office of Field Operations/Coordination and Compliance Division, 451 7th St. SW, Suite 3180, Washington, DC 20410–5000, or email to PIH_Expedited_Waivers@hud.gov.

PHA code	PHA name	2023 Extension approved
AL160	Tuskegee Housing Authority	12/26/2023
CT005	Housing Authority of the City of New Britain	12/14/2023
CT009	Middletown Housing Authority	12/14/2023
CT027	Housing Authority of the Town of Stratford	12/26/2023
CT028	Vernon Housing Authority	12/28/2023
FL062	Pinellas County Housing Authority	12/14/2023
FL075	Clearwater Housing Authority	12/15/2023
FL080	Palm Beach County Housing Authority	12/15/2023
IN010	Housing Authority of the City of Hammond	12/14/2023
IN029	Housing Authority of the City of East Chicago	12/20/2023
IN100	Housing Authority of the County of St. Joseph	12/28/2023
MD004	Housing Oppty Com of Montgomery Co	12/28/2023
MO210	Liberty Housing Authority	12/19/2023
SC023	Housing Authority of Sumter	12/14/2023
SC034	Housing Authority of Myrtle Beach	12/21/2023
TN004	Chattanooga Housing Authority	11/14/2023
UT009	Davis Community Housing Authority	12/19/2023
UT031	Cedar City Housing Authority	12/15/2023
WA024	HA of Island County	12/22/2023

• *Regulation:* 24 CFR 982.503(c)(1)–(2) and (4)–(5) Exception Payment Standards up to 120% of the FMR.

Nature of Requirement: PHAs may request an exception payment standard of up to 120 percent of the applicable Fair Market Rent and apply it throughout their jurisdiction.

Granted by: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Reason Waived: The PHAs were authorized to adopt a payment standard above the basic range, up to 120 percent of the Fair Market

Rent, and apply it throughout their jurisdiction. These waivers were approved consistent with the streamlined regulatory waiver process in Notice PIH 2023–29, which allowed PHAs to request regulatory waivers that would assist PHAs in responding to ongoing fluctuations and disruptions in the rental market by providing more flexibility with establishing and applying payment standards. These waivers were provided to the PHAs because allowing for an exception payment standard up to 120 percent of the Small Area FMR helped ensure that families

living in rental markets with ongoing fluctuations and disruptions were not adversely impacted by rapidly increasing rents, and were able to find rental units with their voucher.

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, 451 Seventh St. SW, Suite 3180, Washington, DC 20410–5000, or email to PIH_Expedited_Waivers@hud.gov.

PHA code	PHA name	2023 Extension approved
AL011	Housing Authority of the City of Fort Payne	12/21/2023
AL054	Florence H/A	11/15/2023
AL075	Boaz Housing Authority	12/15/2023
AL086	Jefferson County Housing Authority	12/21/2023
AL129	Walker County Housing Authority	11/22/2023
AR010	NW Regional Housing Authority	11/17/2023
AR012	Arkadelphia Housing Authority	12/28/2023
AR031	Hot Springs Housing Authority	12/20/2023
AR161	Conway County Housing Authority	12/21/2023
AR200	Harrison Housing Agency	12/15/2023
AR225	Lee County Housing Authority	12/26/2023
AZ001	City of Phoenix Housing Department	12/28/2023
CA004	Housing Authority of the City of Los Angeles	12/28/2023
CA053	Kings County Housing Auth	12/19/2023
CA062	City of Alameda Housing Authority	12/15/2023

PHA code	PHA name	2023 Extension approved
CO040	Delta Housing Authority	11/14/2023
CO051	Grand Junction Housing Authority	12/21/2023
CO095	Garfield County Housing Authority	12/21/2023
CT027	Housing Authority of the Town of Stratford	12/26/2023
FL009	West Palm Beach Housing Authority	12/21/2023
FL110	Walton County Housing Authority	12/27/2023
FL147	Citrus County Housing Services	11/22/2023
GA009	Housing Authority of the City of Brunswick	12/15/2023
HI002	County of Hawaii	12/21/2023
IA015	Low Rent Housing Agency of Burlington	12/15/2023
IA042	Centerville Municipal Housing Agency	12/14/2023
IA087	City of Dubuque	12/19/2023
IA126	Eastern Iowa Regional Housing Authority	12/19/2023
IA127	North Iowa Regional Housing Authority	12/21/2023
IA129	Northwest Iowa Regional Housing Authority	11/15/2023
IA130	Upper Explorerland Regional Housing Authority	12/28/2023
ID013	Boise City Housing Authority	12/15/2023
ID021	Ada County Housing Authority	12/15/2023
IL003	Peoria Housing Authority	12/21/2023
IL028	Menard County Housing Authority	12/14/2023
IL084	Fulton County Housing Authority	11/15/2023
IN007	Kokomo Housing Authority	12/20/2023
IN015	Housing Authority of South Bend	12/19/2023
IN017	Indianapolis Housing Agency	12/26/2023
IN018	Housing Authority of the City of Tell City	12/14/2023
IN021	Housing Authority of the City of Terre Haute	11/14/2023
IN022	Housing Authority of the City of Bloomington	11/14/2023
IN023	Housing Authority of the City of Jeffersonville	12/28/2023
IN035	Brazil Housing Authority	12/14/2023
IN037	Mount Vernon Housing Authority	12/29/2023
IN041	Housing Authority of the City of Marion, In	12/28/2023
IN055	Linton Housing Authority	12/14/2023
IN056	Seymour Housing Authority	12/19/2023
IN060	Housing Authority of the City of Warsaw	12/14/2023
IN062	Housing Authority of the City of Decatur	12/15/2023
IN067	Knox County Housing Authority	12/29/2023
IN071	Housing Authority of the City of Lafayette	12/21/2023
IN079	Housing Authority of the City of Elwood	12/14/2023
IN092	Housing Authority of the City of Logansport	12/29/2023
IN100	Housing Authority of the County of St. Joseph	12/28/2023
KS041	Great Bend Housing Authority	12/21/2023
KS162	Johnson County Housing Authority	11/15/2023
KY015	Housing Authority of Newport	12/12/2023
KY056	Housing Authority of Springfield	11/17/2023
KY107	Housing Authority of Pikeville	11/15/2023
KY169	Laurel County Section 8 Housing	12/22/2023
KY901	Kentucky Housing Corporation-State Agency	12/15/2023
LA003	Housing Authority of East Baton Rouge	11/15/2023
MD001	Housing Authority of the City of Annapolis	12/28/2023
MD006	Hagerstown Housing Authority	12/20/2023
MD032	Carroll County Housing And Community Dev	12/20/2023
ME006	Brunswick Housing Authority	12/21/2023
ME007	Auburn Housing Authority	12/14/2023
ME019	Bath Housing Authority	12/15/2023
ME901	Maine State Housing Authority	12/21/2023
MI005	Pontiac Housing Commission	12/28/2023
MI073	Grand Rapids Housing Commission	11/14/2023
MI084	Boyer City Housing Commission	12/20/2023
MI100	Lapeer Housing Commission	11/17/2023
MN090	HRA of Red Wing, Minnesota	11/22/2023
MN174	Housing And Redevelopment Authority of Yellow	12/29/2023
MO001	St. Louis Housing Authority	12/21/2023
MO003	St. Joseph Housing Authority	11/14/2023
MO004	Housing Authority of St. Louis County	12/21/2023
MO006	Housing Authority of the City of St. Charles	12/28/2023
MO007	Housing Authority of the City of Columbia, MO	11/14/2023
MO009	Housing Authority of the City of Jefferson	12/21/2023
MO017	Independence Housing Authority	12/28/2023
MO037	Housing Authority of the City of West Plains	11/17/2023
MO064	New Madrid	12/28/2023
MO198	Boone County Public Housing Agency	12/14/2023
MO199	Lincoln County Public Housing Agency	12/20/2023
MO203	St. Francois County Public Housing Agency	11/14/2023

PHA code	PHA name	2023 Extension approved
MO206	Phelps County Public Housing Agency	11/14/2023
MO209	Housing Authority of the City of Cabool	12/20/2023
MO210	Liberty Housing Authority	12/19/2023
MO217	Howell County Public Housing Agency	11/17/2023
MS005	The Housing Authority of the City of Biloxi	12/15/2023
MS301	Bay Waveland Housing Authority	12/12/2023
MT001	Housing Authority of Billings	12/28/2023
MT004	Helena Housing Authority	10/31/2023
MT033	Missoula Housing Authority	12/15/2023
MT901	Montana Department of Commerce	10/31/2023
NC004	Housing Authority of the City of Kinston	11/15/2023
NC006	Housing Authority of the City of High Point	11/22/2023
NC012	Housing Authority of the City of Winston-Salem	12/12/2023
NC140	Western Carolina Community Action, Inc	12/28/2023
ND010	Morton County Housing Authority	10/31/2023
ND011	Housing Authority of Stutsman County, ND	11/15/2023
NE001	Omaha Housing Authority	12/28/2023
NE003	Hall County Housing Authority	12/26/2023
NE078	Scotts Bluff County Housing Authority	12/26/2023
NE150	Hastings Housing Authority	12/26/2023
NE157	Norfolk Housing Agency	12/28/2023
NJ032	Rahway Housing Authority	12/19/2023
NJ037	Irvington Housing Authority	12/27/2023
NV905	Nevada Rural Hsg Auth	12/28/2023
NY041	Rochester Housing Authority	12/12/2023
NY061	Hudson Housing Authority	12/21/2023
NY079	Glens Falls Housing Authority	12/19/2023
NY113	City of New Rochelle Housing Authority	12/28/2023
NY504	City of Fulton	12/28/2023
NY552	Village of New Hartford	12/26/2023
OH003	Cuyahoga Metropolitan Housing Authority	11/15/2023
OH005	Dayton Metropolitan Housing Authority	12/28/2023
OH006	Lucas Metropolitan Housing Authority	12/20/2023
OH008	Trumbull Metropolitan Housing Authority	11/15/2023
OH010	Portsmouth Metropolitan Housing Authority	11/15/2023
OH020	Belmont Metropolitan Housing Authority	10/31/2023
OH032	Hocking Metropolitan Housing Authority	12/14/2023
OH036	Wayne Metropolitan Housing Authority	11/22/2023
OH044	Allen Metropolitan Housing Authority	12/15/2023
OH046	Adams Metropolitan Housing Authority	12/28/2023
OH053	Clinton Metropolitan Housing Authority	12/14/2023
OH058	Monroe Metropolitan Housing Authority	12/14/2023
OH060	Pike Metropolitan Housing Authority	12/21/2023
OH067	Harrison Metropolitan Housing Authority	12/21/2023
OH077	City of Marietta	12/21/2023
OR027	Housing Authority of Malheur County	11/22/2023
PA004	Allentown Housing Authority	12/15/2023
PA020	Mercer County Housing Authority	12/28/2023
PA024	Easton Housing Authority	12/12/2023
PA044	The Housing Authority of the City of Hazleton	12/20/2023
PA052	Housing Authority of the County of Lebanon	12/15/2023
PA057	Housing Authority of the County of Luzerne	12/12/2023
PA059	Housing Authority of the City of Oil City	12/15/2023
PA071	Housing Authority of the County of Berks	11/15/2023
PA076	Northampton County Housing Authority	12/21/2023
PA081	Lehigh County Housing Authority	12/15/2023
RI005	The Housing Authority of the City of Newport	12/21/2023
RI901	Rhode Island Housing	12/20/2023
RQ005	Formerly 901 and 911	12/27/2023
RQ011	Municipality of Bayamon	12/20/2023
RQ014	Municipality of Carolina	12/14/2023
RQ016	Municipality of Guaynabo	12/19/2023
RQ041	Municipality of Gurabo	12/20/2023
RQ061	Municipality of Cabo Rojo	12/15/2023
RQ062	Municipality of Cidra	12/19/2023
RQ071	Municipality of Lajas	12/14/2023
SC007	Housing Authority of Aiken	11/15/2023
SC023	Housing Authority of Sumter	12/14/2023
SD016	Sioux Falls Housing And Redevelopment Commission	12/21/2023
SD026	Redfield Housing And Redevelopment Commission	11/14/2023
SD035	Pierre Housing & Redevelopment Commission	12/14/2023
SD037	Milbank Housing & Redevelopment Commission	11/14/2023
SD043	Watertown Housing And Redevelopment Commission	11/22/2023

PHA code	PHA name	2023 Extension approved
SD056	Brookings Housing & Redevelopment Commission	10/31/2023
SD057	Mobridge Housing & Redevelopment Commission	11/14/2023
TN066	Bristol Housing	11/17/2023
TN903	Tennessee Housing Development Agency	11/22/2023
TX455	Housing Authority of Odessa	12/20/2023
TX493	Terrell Housing Authority	10/31/2023
UT020	Tooele County Housing Authority	11/17/2023
UT026	Logan City Housing Authority	12/12/2023
UT030	Bear River Regional Housing Authority	12/12/2023
VA018	Franklin Redevelopment And Housing Authority	11/15/2023
VA032	Abingdon Redevelopment And Housing Authority	12/26/2023
VQ901	Virgin Islands Housing Authority	12/14/2023
WA003	Housing Authority of the City of Bremerton	12/21/2023
WA004	Peninsula Housing Authority	12/26/2023
WA012	HA City of Kennewick	10/31/2023
WA021	HA City of Pasco And Franklin County	10/31/2023
WA024	HA of Island County	12/22/2023
WA036	Kitsap County Consolidated Housing Auth	12/21/2023
WA055	HA City of Spokane	12/19/2023
WA071	Housing Authority of Okanogan County	12/20/2023
WI002	Housing Authority of the City of Milwaukee	12/20/2023
WI003	Madison Community Development Authority	12/15/2023
WI047	Sheboygan Housing Authority	12/26/2023
WI068	Wisconsin Rapids Housing Authority	12/14/2023
WI070	Rhinelander Housing Authority	11/15/2023
WI186	Brown County Housing Authority	10/31/2023
WI201	CDA of the City of West Allis	12/14/2023
WI213	Housing Authority of Winnebago County, Wi	12/19/2023
WI214	Dane County Housing Authority	12/21/2023
WI219	Janesville Neighborhood Services	12/14/2023
WI222	Sawyer County Housing Authority	12/19/2023
WI237	Portage County Housing Authority	11/17/2023
WI245	Barron County Housing Authority	12/28/2023
WI901	Wisconsin Housing & Economic Development Authority	12/26/2023
WV016	Housing Authority of the City of Weirton	11/17/2023
WV035	Housing Authority of the County of Jackson	12/12/2023

• *Regulation:* 24 CFR 982.503(b)(1)(iii).

Nature of Requirement: PHAs may request an exception payment standard of up to 120 percent of their adopted Small Area FMR exception payment standards.

Granted by: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Reason Waived: The PHAs were authorized to adopt a payment standard above the basic range, up to 120 percent of their approved Small Area FMR exception payment

standards. These waivers were approved consistent with the streamlined regulatory waiver process in Notice PIH 2023–29, which allowed PHAs to request regulatory waivers that would assist PHAs in responding to ongoing fluctuations and disruptions in the rental market by providing more flexibility with establishing and applying payment standards. These waivers were provided to the PHAs because allowing for an exception payment standard up to 120 percent of the Small Area FMR exception payment

standards helped ensure that families living in rental markets with ongoing fluctuations and disruptions were not adversely impacted by rapidly increasing rents, and were able to find rental units with their voucher.

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, 451 Seventh St. SW, Suite 3180, Washington, DC 20410–5000, or email to PIH_Expedited_Waivers@hud.gov.

PHA code	PHA name	2023 Extension approved
CA004	Housing Authority of the City of Los Angeles	12/28/2023
CA116	Cdc of National City	12/15/2023
CO051	Grand Junction Housing Authority	12/21/2023
CT003	Housing Authority of the City of Hartford	12/15/2023
CT039	Housing Authority of the Town of West Hartfor	12/26/2023
FL009	West Palm Beach Housing Authority	12/21/2023
IA087	City of Dubuque	12/19/2023
IL107	Housing Authority of the City of North Chicago, IL	12/29/2023
IN003	Fort Wayne Housing Authority	12/15/2023
IN007	Kokomo Housing Authority	12/20/2023
KY056	Housing Authority of Springfield	11/17/2023
LA012	Housing Authority of the City of Kenner	12/28/2023
MD022	Housing Authority of Calvert County	12/19/2023
MO199	Lincoln County Public Housing Agency	12/20/2023
MO203	St. Francois County Public Housing Agency	11/14/2023
MT901	Montana Department of Commerce	10/31/2023
NY041	Rochester Housing Authority	12/12/2023
NY079	Glens Falls Housing Authority	12/19/2023

PHA code	PHA name	2023 Extension approved
OH003	Cuyahoga Metropolitan Housing Authority	11/15/2023
PA018	Westmoreland County Hsg Authority	12/15/2023
PA052	Housing Authority of the County of Lebanon	12/15/2023
RI901	Rhode Island Housing	12/20/2023
RQ074	Municipality of Vieques	12/28/2023
SC022	Housing Authority of Rock Hill	12/27/2023
SD016	Sioux Falls Housing And Redevelopment Commission	12/21/2023
TN066	Bristol Housing	11/17/2023
TX008	Corpus Christi Housing Authority	12/15/2023
VA018	Franklin Redevelopment And Housing Authority	11/15/2023
WA024	HA of Island County	12/22/2023
WI002	Housing Authority of the City of Milwaukee	12/20/2023

[FR Doc. 2024–20092 Filed 9–5–24; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7090–N–08]

60-Day Notice of Proposed Information Collection: 2023 American Housing Survey; OMB Control No.: 2528–0117

Correction

In notice document 2024–19706 beginning on page 71384 in the issue of Tuesday, September 3rd, 2024, make the following correction:

On page 71384, in the second column, the Docket No. in the heading is corrected to read as set forth above.

[FR Doc. C1–2024–19706 Filed 9–5–24; 8:45 am]

BILLING CODE 0099–10–D

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R4–ES–2024–0135; FXES1114040000–245–FF04EG1000]

Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for the Eastern Indigo Snake; Turner County, GA; Categorical Exclusion

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments and information.

SUMMARY: We, the Fish and Wildlife Service (Service), announce receipt of an application from Double Run Solar, LLC (applicant) for an incidental take permit (ITP) under the Endangered Species Act. The applicant requests the ITP to take the federally listed threatened Eastern indigo snake incidental to the construction and operation of a solar facility in Turner County, Georgia. We request public

comment on the application, which includes the applicant's proposed habitat conservation plan (HCP), and on the Service's preliminary determination that the proposed permitting action may be eligible for a categorical exclusion pursuant to the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations, the Department of the Interior's (DOI) NEPA regulations, and the DOI Departmental Manual. To make this preliminary determination, we prepared a draft environmental action statement and low-effect screening form, both of which are also available for public review. We invite comment from the public and local, State, Tribal, and Federal agencies.

DATES: We must receive your written comments on or before October 7, 2024.

ADDRESSES:

Obtaining Documents: The documents this notice announces, as well as any comments and other materials that we receive, will be available for public inspection online in Docket No. FWS–R4–ES–2024–0135 at <https://www.regulations.gov>.

Submitting Comments: If you wish to submit comments on any of the documents, you may do so in writing by one of the following methods:

- **Online:** <https://www.regulations.gov>.

Follow the instructions for submitting comments on Docket No. FWS–R4–ES–2024–0135.

- **U.S. mail:** Public Comments

Processing, Attn: Docket No. FWS–R4–ES–2024–0135; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT: Michele Elmore, Georgia Ecological Services Field Office, by U.S. mail (see **ADDRESSES**), by phone at 706–613–9493, or via email at GAES_assistance@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services.

Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the Fish and Wildlife Service (Service), announce receipt of an application from Double Run Solar, LLC (applicant) for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicant requests the ITP to take the federally listed threatened Eastern indigo snake (*Drymarchon couperi*) incidental to the construction and operation of a solar facility in Turner County, Georgia. We request public comment on the application, which includes the applicant's HCP, and on the Service's preliminary determination that this proposed ITP qualifies as low effect, and may qualify for a categorical exclusion pursuant to the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations (40 CFR 1501.4), the Department of the Interior's (DOI) NEPA regulations (43 CFR 46), and the DOI's Departmental Manual (516 DM 8.5(C)(2)). To make this preliminary determination, we prepared a draft environmental action statement and low-effect screening form, both of which are also available for public review.

Proposed Project

The applicant requests a 10-year ITP to take three Eastern indigo snakes and two nests via the conversion of approximately 768.8 acres (ac) of occupied nesting, foraging, and sheltering habitat incidental to the construction and operation of a solar facility on a 2,037-ac parcel. The parcel is mostly on the north side of Georgia State Route 90 and east side of Georgia State Route 159, approximately 2 miles northwest of the city of Rebecca, Georgia. The applicant proposes to avoid and minimize take of the species to the greatest extent possible by

implementing the Service's standard protection measures for the Eastern indigo snake during implementation of activities associated with the construction and operation of the solar facility. The applicant proposes to mitigate for take of the Eastern indigo snake by contributing \$403,620.00 to the Wildlife Foundation of Florida's Eastern Indigo Snake Conservation Fund. These funds will be used for the management or restoration of Eastern indigo snake habitat, purchase of occupied habitat, purchase of development rights of occupied habitat, or a combination thereof, in Georgia. The Service would require the applicant to provide the contribution of the funds prior to engaging in any phase of the project.

Our Preliminary Determination

The Service has made a preliminary determination that the applicant's proposed project, including the construction and operation of the solar facility, would individually and cumulatively have a minor effect on the Eastern indigo snake and the human environment. Therefore, we have preliminarily determined that the proposed ESA section 10(a)(1)(B) permit would be a low-effect ITP that individually or cumulatively would have a minor effect on Eastern indigo snakes and may qualify for application of a categorical exclusion pursuant to the Council on Environmental Quality's NEPA regulations, DOI's NEPA regulations, and the DOI Departmental Manual. A low-effect ITP is one that would result in (1) minor or nonsignificant effects on species covered in the HCP; (2) nonsignificant effects on the human environment; and (3) impacts that, when added together with the impacts of other past, present, and reasonable foreseeable actions, would not result in significant cumulative effects to the human environment.

Next Steps

The Service will evaluate the application and the comments to determine whether to issue the requested ITP. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA to evaluate the effects of the proposed take. After considering the preceding and other matters, we will determine whether the permit issuance criteria of section 10(a)(1)(B) of the ESA have been met. If met, the Service will issue ITP number PER 11935051 to Double Run Solar, LLC.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, be aware that your entire comment, including your personal identifying information, may be made available to the public. If you submit a comment at <https://www.regulations.gov>, your entire comment, including any personal identifying information will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

The Service provides this notice under section 10(c) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.32) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1500–1508 and 43 CFR 46).

Peter Maholland,

Field Supervisor, Georgia Ecological Services Office.

[FR Doc. 2024–20087 Filed 9–5–24; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R1–ES–2022–0074; ES11140100000–245–FF01E0000]

Record of Decision for the Barred Owl Management Strategy; Washington, Oregon, and California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; record of decision.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability of a record of decision (ROD) for the final environmental impact statement for the Barred Owl Management Strategy (strategy) in Washington, Oregon, and California. With this notice, we also make available

the final strategy. The ROD documents the Service's decision to select the preferred alternative to address the threat that the nonnative and invasive barred owl (*Strix varia*) poses to the northern spotted owl (*Strix occidentalis caurina*) and the California spotted owl (*Strix occidentalis occidentalis*).

ADDRESSES: You may obtain copies of the ROD and other documents associated with the decision by any of the following methods:

- **Internet:** <https://www.regulations.gov> (search for Docket No. FWS–R1–ES–2022–0074) or at <https://www.fws.gov/project/barred-owl-management>.

- **Upon Request:** You may request alternative formats of the documents directly from the Service (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Robin Bown, U.S. Fish and Wildlife Office, Oregon Fish and Wildlife Office, by telephone at 503–231–6923, or by email at robin_bown@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service (Service) announces the availability of its record of decision (ROD) for the final environmental impact statement (EIS) for the Barred Owl Management Strategy (strategy) in Washington, Oregon, and California developed in compliance with agency decision-making requirements of the National Environmental Policy Act of 1969, as amended (NEPA). Implementation of the selected strategy focuses on the removal of the nonnative and invasive barred owl populations in identified management areas in Washington, Oregon, and California. Where barred owls are in the early stages of invasion, such as in the California spotted owl's range, the strategy allows for removal of all barred owls in order to prevent establishment of barred owl populations. The barred owl is protected under the Migratory Bird Treaty Act (MBTA; 16 U.S.C. 703–712), which prohibits take of protected migratory bird species unless authorized by the Service through permit or regulation (50 CFR 21.10). This decision includes issuance of a Migratory Bird Special Purpose permit under the Migratory Bird Treaty Act (MBTA).

Spotted owls are native to western North America. Competition from barred owls (*Strix varia*) has been identified as a primary threat to the northern spotted owl (*Strix occidentalis caurina*), which is listed as threatened under the Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*), as well as a threat to the persistence of California spotted owl (*Strix occidentalis occidentalis*), which the Service has proposed for listing (88 FR 11600; February 23, 2023). Barred owls, native to eastern North America, began to expand their range around 1900 as a likely result of European settlement. Barred owls are larger and more aggressive than the northern spotted owl and the California spotted owl. Upon reaching the Pacific Northwest, barred owls displaced spotted owls from their historic territories. Without management of barred owls, extirpation of northern spotted owls from major portions of their historic range is likely in the near future. While barred owls have not substantially impacted California spotted owl populations to date, the establishment of a small barred owl population in the northern Sierra Nevada mountains, and the history of the invasion and impacts on northern spotted owls following such expansion, demonstrates that barred owls are also a significant threat to the persistence of California spotted owls. The purpose of this action is to reduce barred owl populations to improve the survival and recovery of northern spotted owls and to prevent declines in California spotted owls from barred owl competition.

The Service published a notice of intent (NOI) in the **Federal Register** to develop an EIS for this project on July 22, 2022 (87 FR 43886). The Service published a notice of availability (NOA) for the draft EIS on November 17, 2023 (88 FR 80329) and published an NOA for the final EIS on July 5, 2024 (89 FR 55647). The EIS analyzed the environmental consequences of the preferred action (Alternative 2, Management Strategy Implementation), a no action alternative, and four alternatives to the preferred action outlining different management frameworks for entities (Federal, State or Tribal government agencies, or private landowners) to implement barred owl management. All action alternatives included issuance of an MBTA Special Purpose permit for management to reduce barred owl populations in areas within the northern spotted owl's range and to prevent establishment of barred owl populations within the California spotted owl's range.

We are advising the public of the availability of the ROD, documenting the Service's decision to issue a Migratory Bird Special Purpose permit pursuant to the MBTA under EIS, Alternative 2, Management Strategy Implementation (Preferred Alternative). Alternative 2 combines three approaches to barred owl management within the northern spotted owl's range and focuses on early detection and rapid response in the California spotted owl's range. Alternative 2 best accomplishes the purpose and need for action because it will allow for rapid implementation of barred owl management on specific areas across the range of the northern spotted owl in a manner that allows for a swift reduction in barred owl numbers and the impact of barred owls within these targeted management areas. The focus in Alternative 2 on location and removal of all barred owls in the range of the California spotted owl and associated invasion pathways will also limit the invasion of barred owls and allow for removal of those individuals that succeed in establishing territories in the subspecies' range.

The Service has prepared this ROD pursuant to the Council on Environmental Quality's (CEQ's) implementing NEPA regulations at 40 CFR parts 1500–1508, which became effective on May 20, 2022 (87 FR 23453; April 20, 2022). Because the Service published a notice of intent (NOI) to develop an EIS for this project on July 22, 2022, prior to the July 1, 2024, effective date for the Council on Environmental Quality's updated NEPA regulations, the draft EIS, final EIS, and ROD were prepared according to the 2022 regulations.

Authority

We provide this notice in accordance with the requirements of NEPA and its implementing regulations (40 CFR 1503.1 and 1506.6).

Hugh Morrison,

Regional Director, Pacific Region.

[FR Doc. 2024–20073 Filed 9–5–24; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R4–ES–2024–0134; FXES11140400000–245–FF04EF4000]

Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for the Audubon's Crested Caracara; Hardee County, FL; Categorical Exclusion

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment.

SUMMARY: We, the Fish and Wildlife Service (Service), announce receipt of an application from Mosaic Fertilizer, LLC (applicant) for an incidental take permit (ITP) under the Endangered Species Act. The applicant requests the ITP to take a portion of the breeding territory of the federally listed crested caracara (Audubon's) [FL DPS] (*Caracara plancus audubonii*) incidental to the construction and operation of a phosphate mine in Hardee County, Florida. We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP), and on the Service's preliminary determination that the proposed permitting action may be eligible for a categorical exclusion pursuant to the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations, the Department of the Interior's (DOI) NEPA regulations, and the DOI Departmental Manual. To make this preliminary determination, we prepared a draft environmental action statement and low-effect screening form, both of which are also available for public review. We invite comment from the public and local, State, Tribal, and Federal agencies.

DATES: We must receive your written comments on or before October 7, 2024.

ADDRESSES:

Obtaining Documents: The documents this notice announces, as well as any comments and other materials that we receive, will be available for public inspection online in Docket No. FWS–R4–ES–2024–0134 at <https://www.regulations.gov>.

Submitting Comments: If you wish to submit comments on any of the documents, you may do so in writing by one of the following methods:

- **Online:** <https://www.regulations.gov>

Follow the instructions for submitting comments on Docket No. FWS–R4–ES–2024–0134.

- **U.S. mail:** Public Comments

Processing, Attn: Docket No. FWS–R4–

ES-2024-0134; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

FOR FURTHER INFORMATION CONTACT: Al Begazo, by U.S. mail (see **ADDRESSES**), by telephone at 772-226-8134, or via email at alfredo_begazo@fws.gov.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the Fish and Wildlife Service (Service), announce receipt of an application from Mosaic Fertilizer, LLC (applicant) for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicant requests the ITP to take the crested caracara (Audubon's) [FL DPS] (*Caracara plancus audubonii*) (caracara), federally listed as threatened under the ESA, incidental to the construction and operation of a phosphate mine in Hardee County, Florida. We request public comments on the application, which includes the applicant's habitat conservation plan (HCP), and on the Service's preliminary determination that this proposed ITP qualifies as low effect, and may qualify for a categorical exclusion pursuant to the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations (40 CFR 1501.4), the Department of the Interior's (DOI) NEPA regulations (43 CFR part 46), and the DOI's Departmental Manual (516 DM 8.5(C)(2)). To make this preliminary determination, we prepared a draft environmental action statement and low-effect screening form, both of which are also available for public review.

Proposed Project

The applicant requests a 10-year ITP to take approximately 42.7 acres (ac) of the 70-ac primary zone of a caracara breeding territory incidental to the construction and operation of a phosphate mine on a 4,386.1-ac parcel in Hardee County. The primary zone of a caracara breeding pair is considered of vital importance for breeding success. The project site is located east of the South Fort Meade Mine and north of State Road 64, in sections 1-4 and 12-14, Township 33 South, Range 26 East, sections 5, 6, 8, 9, 14-16, 21-23, and 26-28, Township 33 South, and Range 27 East, at Latitude 27°36'10.1" longitude 81°36'1.4", Hardee County,

Florida. The applicant proposes to minimize disturbance on nesting caracaras by conducting all mining activities within the 70-ac primary zone during the non-breeding season. To mitigate for the 47-ac portion of unavoidable impacts on the caracara's primary zone, the applicant proposes to donate \$38,000 to restore 70 ac of caracara habitat per the Service's Audubon's crested caracara conservation guidelines.

Our Preliminary Determination

The Service has made a preliminary determination that the applicant's proposed project, including the construction and operation of a phosphate mine and associated infrastructure, would individually and cumulatively have a minor effect on the caracara and the human environment. Therefore, we have preliminarily determined that the proposed ESA section 10(a)(1)(B) permit would be a low-effect ITP that individually or cumulatively would have a minor effect on the caracara and may qualify for application of a categorical exclusion pursuant to the Council on Environmental Quality's NEPA regulations, DOI's NEPA regulations, and the DOI Departmental Manual. A low-effect ITP is one that would result in (1) minor or nonsignificant effects on species covered in the HCP; (2) nonsignificant effects on the human environment; and (3) impacts that, when added together with the impacts of other past, present, and reasonably foreseeable actions, would not result in significant cumulative effects to the human environment.

Next Steps

The Service will evaluate the application and the comments to determine whether to issue the requested ITP. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA to evaluate the effects of the proposed take. After considering the preceding and other matters, we will determine whether the permit issuance criteria of section 10(a)(1)(B) of the ESA have been met. If met, the Service will issue ITP number PER11778402 to Mosaic Fertilizer, LLC.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, be aware that your entire comment, including your personal identifying information, may be made available to the public. If you submit a comment at <https://www.regulations.gov>, your entire

comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

The Service provides this notice under section 10(c) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.32) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1500-1508 and 43 CFR 46).

Robert L. Carey,

Manager, Division of Environmental Review, Florida Ecological Services Field Office.

[FR Doc. 2024-20084 Filed 9-5-24; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R8-ES-2024-N043;
FXES11130800000-245-FF08E00000]

Endangered and Threatened Species; Receipt of Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

DATES: We must receive your written comments on or before October 7, 2024.

ADDRESSES: Document availability and comment submission: Submit requests

for copies of the applications and related documents and submit any comments by one of the following methods. All requests and comments should specify the applicant name(s) and application number(s) (e.g., XXXXXX or PER0001234).

- Email: permitsR8ES@fws.gov.

- U.S. Mail: Tiffany Heitz, Regional Recovery Permit Coordinator, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room W-2606, Sacramento, CA 95825.

FOR FURTHER INFORMATION CONTACT:

Tiffany Heitz, via phone at 916-414-6489, or via email at permitsR8ES@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications

for permits under section 10(a)(1)(A) of the Endangered Species Act, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The requested permits would allow the applicants to conduct activities intended to promote recovery of species that are listed as endangered or threatened under the ESA.

Background

With some exceptions, the ESA prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA’s definition of “take” includes such activities as pursuing, harassing, trapping, capturing, or collecting, in addition to hunting, shooting, harming, wounding, or killing.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. These activities often include such prohibited actions as capture and

collection. Our regulations implementing section 10(a)(1)(A) for these permits are found in the Code of Federal Regulations at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

Proposed activities in the permit requests in table 1 are for the recovery and enhancement of propagation or survival of the species in the wild. The ESA requires that we invite public comment before issuing these permits. Accordingly, we invite local, State, Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies.

TABLE 1—PERMIT APPLICATIONS RECEIVED

Application No.	Applicant, city, state	Species	Location	Take activity	Permit action
PER10171021	Miguel Moutsos, Oceanside, California.	<ul style="list-style-type: none"> • Conservancy fairy shrimp (<i>Branchinecta conservatio</i>) .. • Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>) • Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>) • Riverside fairy shrimp (<i>Streptocephalus woottoni</i>) • San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>) 	CA	Survey, capture, handle, release, and collect adult vouchers.	New.
091857	Denise Duffy & Associates, Monterey, California.	<ul style="list-style-type: none"> • California tiger salamander (<i>Ambystoma californiense</i>) Santa Barbara County and Sonoma County distinct population segments. • Foothill yellow-legged frog (<i>Rana boylei</i>), South Sierra and South Coast distinct population segments. 	CA	Survey, capture, handle, swab, and release.	Renew and amend.
PER0121458	Donald W. Hardeman Jr., Cedar Hill, Texas.	<ul style="list-style-type: none"> • California tiger salamander (<i>Ambystoma californiense</i>) Santa Barbara County and Sonoma County distinct population segments. • Foothill yellow-legged frog (<i>Rana boylei</i>), South Sierra and South Coast distinct population segments. • Morro Bay kangaroo rat (<i>Dipodomys heermanni morroensis</i>). • Fresno kangaroo rat (<i>Dipodomys nitratooides exilis</i>) • Tipton kangaroo rat (<i>Dipodomys nitratooides nitratooides</i>) • Giant kangaroo rat (<i>Dipodomys ingens</i>) 	CA	Survey, capture, handle, swab, and release.	Amend.
815537	Karen Swaim, Livermore, California.	<ul style="list-style-type: none"> • Conservancy fairy shrimp (<i>Branchinecta conservatio</i>) .. • Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>) • Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>) • Riverside fairy shrimp (<i>Streptocephalus woottoni</i>) • San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>) • California tiger salamander (<i>Ambystoma californiense</i>) Santa Barbara County and Sonoma County distinct population segments. • San Francisco garter snake (<i>Thamnophis sirtalis tetrataenia</i>). 	CA	Survey, capture, handle, collect adult vouchers, mark, swab, release, and insert PIT (passive integrated transponder) tag.	Renew.
179036	Cullen Wilkerson, Richmond, California.	<ul style="list-style-type: none"> • Foothill yellow-legged frog (<i>Rana boylei</i>), South Sierra and South Coast distinct population segments. 	CA	Survey, capture, handle, swab, and release.	Amend.
PER9781002	Cynthia Martinson, Paso Robles, California.	<ul style="list-style-type: none"> • Conservancy fairy shrimp (<i>Branchinecta conservatio</i>) .. • Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>) • Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>) • Riverside fairy shrimp (<i>Streptocephalus woottoni</i>) • San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>) 	CA	Survey, capture, handle, release, and collect adult vouchers.	New.
802450	Arthur Davenport, Barstow, California.	<ul style="list-style-type: none"> • San Bernardino Merriam’s kangaroo rat (<i>Dipodomys merriami parvus</i>). • Pacific pocket mouse (<i>Perognathus longimembris pacificus</i>). 	CA, NV ..	Survey, capture, handle, and release.	Renew.

TABLE 1—PERMIT APPLICATIONS RECEIVED—Continued

Application No.	Applicant, city, state	Species	Location	Take activity	Permit action
PER9605389	Rylie Towne, Stockton, California.	<ul style="list-style-type: none"> California tiger salamander (<i>Ambystoma californiense</i>) Santa Barbara County and Sonoma County distinct population segments. 	CA	Survey, capture, handle, swab, and release.	New.
142436	Eric Renfro, Torrence, California.	<ul style="list-style-type: none"> Delhi Sands flower-loving fly (<i>Rhaphiomidas terminatus abdominalis</i>). 	CA	Pursue	Renew.
13636B	Michaela Craighead, Grover Beach, California.	<ul style="list-style-type: none"> Conservancy fairy shrimp (<i>Branchinecta conservatio</i>) .. Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>) Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>) Riverside fairy shrimp (<i>Streptocephalus woottoni</i>) San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>) 	CA	Survey, capture, handle, release, collect adult vouchers, and collect branchiopod resting eggs.	Renew.
PER9814465	Kelly Otto, Oceanside, California.	<ul style="list-style-type: none"> Conservancy fairy shrimp (<i>Branchinecta conservatio</i>) .. Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>) Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>) Riverside fairy shrimp (<i>Streptocephalus woottoni</i>) San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>) 	CA	Survey, capture, handle, release, and collect adult vouchers.	New.
35000A	University of California, Davis, Davis, California.	<ul style="list-style-type: none"> Giant kangaroo rat (<i>Dipodomys ingens</i>) Salt marsh harvest mouse (<i>Reithrodontomys raviventris</i>). 	CA	Handle, mark, take hair samples, swab, release, and collect and store biological samples from carcasses.	Renew.
PER9973823	Adam Malisch, Mariposa, California.	<ul style="list-style-type: none"> Conservancy fairy shrimp (<i>Branchinecta conservatio</i>) .. Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>) Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>) 	CA	Survey, capture, handle, release, collect adult vouchers, and collect branchiopod resting eggs.	New.
98470C	Michael Burleson, Citrus Heights, California.	<ul style="list-style-type: none"> Conservancy fairy shrimp (<i>Branchinecta conservatio</i>) .. Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>) Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>) Riverside fairy shrimp (<i>Streptocephalus woottoni</i>) San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>) 	CA	Survey, capture, handle, release, and collect adult vouchers.	Renew.
PER0040489	Tara Johnson-Kelly, Salinas, California.	<ul style="list-style-type: none"> Foothill yellow-legged frog (<i>Rana boylei</i>), South Coast distinct population segment. 	CA	Survey, capture, handle, swab, and release.	Amend.
66228D	Andrew Ford, Vallejo, California.	<ul style="list-style-type: none"> Conservancy fairy shrimp (<i>Branchinecta conservatio</i>) .. Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>) Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>) Riverside fairy shrimp (<i>Streptocephalus woottoni</i>) San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>) California tiger salamander (<i>Ambystoma californiense</i>) Santa Barbara County and Sonoma County distinct population segments. 	CA	Survey, capture, handle, swab, release, and collect adult vouchers.	Renew and amend.
PER0010680	David Moskovitz, Diamond Bar, California.	<ul style="list-style-type: none"> Conservancy fairy shrimp (<i>Branchinecta conservatio</i>) .. Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>) Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>) Riverside fairy shrimp (<i>Streptocephalus woottoni</i>) San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>) 	CA	Survey, capture, handle, swab, release, collect adult vouchers, and collect resting eggs.	Renew.
41346D	Stan C. Glowacki, Redondo Beach, California.	<ul style="list-style-type: none"> Tidewater goby (<i>Eucyclogobius newberryi</i>) 	CA	Survey, capture, handle, photograph, release, and collect voucher specimens.	Renew and amend.
745541	SJM Biological Consultants Inc., Flagstaff, Arizona.	<ul style="list-style-type: none"> San Bernardino Merriam's kangaroo rat (<i>Dipodomys merriami parvus</i>). Amargosa vole (<i>Microtus californicus scirpensis</i>) Pacific pocket mouse (<i>Perognathus longimembris pacificus</i>). Yuma Ridgway's rail (<i>Rallus obsoletus yumanensis</i>) 	CA	Survey, capture, handle, and release.	Renew.
PER0008920	Megan R. Bishop, Richmond, California.	<ul style="list-style-type: none"> Conservancy fairy shrimp (<i>Branchinecta conservatio</i>) .. Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>) Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>) Riverside fairy shrimp (<i>Streptocephalus woottoni</i>) San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>) California tiger salamander (<i>Ambystoma californiense</i>) Santa Barbara County and Sonoma County distinct population segments. 	CA	Survey, capture, handle, release, collect adult vouchers, and collect resting eggs.	Renew.
PER0012897	Julie Thomas, Morro Bay, California.	<ul style="list-style-type: none"> Conservancy fairy shrimp (<i>Branchinecta conservatio</i>) .. Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>) Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>) Riverside fairy shrimp (<i>Streptocephalus woottoni</i>) San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>) 	CA	Survey, capture, handle, release, collect adult vouchers, and collect resting eggs.	Renew.

TABLE 1—PERMIT APPLICATIONS RECEIVED—Continued

Application No.	Applicant, city, state	Species	Location	Take activity	Permit action
75112	Gregory Chatman, Ashton, Idaho.	• Quino checkerspot butterfly (<i>Euphydryas editha quino</i>)	CA	Pursue	Renew.
PER11171364	Caroline Hamilton, Placerville, California.	• Foothill yellow-legged frog (<i>Rana boylei</i>), South Sierra and South Coast distinct population segments.	CA	Survey, capture, handle, swab, release, and insert PIT (passive integrated transponder) tag.	New.
PER10983254	Daniel J. Smith, Kingman, Arizona.	• San Bernardino Merriam's kangaroo rat (<i>Dipodomys merriami parvus</i>).	CA	Survey, capture, handle, and release adults and juveniles of both sexes.	New.
101154	Douglas Rischbieter, Arnold, California.	• Tidewater goby (<i>Eucyclogobius newberryi</i>)	CA	Survey, capture, handle, photograph, release, and collect voucher specimens.	Renew.
PER0003722	James Hickman, San Bernardino, California.	• Quino checkerspot butterfly (<i>Euphydryas editha quino</i>) • San Bernardino Merriam's kangaroo rat (<i>Dipodomys merriami parvus</i>).	CA	Pursue, survey, capture, handle, and release.	Renew.
217119	Carie Wingert, Clovis, California.	• Tipton kangaroo rat (<i>Dipodomys nitratooides nitratooides</i>) • Giant kangaroo rat (<i>Dipodomys ingens</i>)	CA	Survey, capture, handle, and release.	Renew.
020548	U.S. Geological Survey, WERC, San Francisco Bay Estuary F.S., Vallejo, California.	• Salt marsh harvest mouse (<i>Reithrodontomys raviventris</i>). • California Ridgway's rail (<i>Rallus obsoletus obsoletus</i>) .. • Yuma Ridgway's rail (<i>Rallus obsoletus yumanensis</i>)	CA	Survey, capture, handle, release, mark, take fur samples, salvage eggs, and salvage carcasses.	Renew.
PER0003167	Elyssa K. Robertson, Imperial Beach, California.	• Quino checkerspot butterfly (<i>Euphydryas editha quino</i>)	CA	Pursue	Renew.
PER0002933	Jordan Zylstra, San Jacinto, California.	• Quino checkerspot butterfly (<i>Euphydryas editha quino</i>)	CA	Pursue	Renew.
108683	Austin Pearson, Coarsegold, California.	• Conservancy fairy shrimp (<i>Branchinecta conservatio</i>) .. • Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>)	CA	Survey, capture, handle, release, collect adult vouchers, and collect branchiopod cysts.	Renew.
20280D	Stephanie A. Cashin, Anaheim, California.	• Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>)	CA	Survey, capture, handle, release, and collect adult vouchers.	Renew.
200340	Andrew Hatch, South Lake Tahoe, California.	• Riverside fairy shrimp (<i>Streptocephalus woottoni</i>)	CA	Survey, capture, handle, swab, and release.	Amend.
032713	California Department of Transportation, Fresno, California.	• San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>) • California tiger salamander (<i>Ambystoma californiense</i>) Santa Barbara County and Sonoma County distinct population segments. • Tipton kangaroo rat (<i>Dipodomys nitratooides nitratooides</i>) • Giant kangaroo rat (<i>Dipodomys ingens</i>)	CA	Survey, capture, handle, release, collect adult vouchers, and collect resting eggs.	Renew.
118641	Jodi McGraw, Watsonville, California.	• Mount Hermon June beetle (<i>Polyphylla barbata</i>)	CA	Survey, capture, handle, release, and monitor.	Renew.
PER003214	Monica Alfaro, San Diego, California.	• Zayante band-winged grasshopper (<i>Trimerotropis infantilis</i>). • Quino checkerspot butterfly (<i>Euphydryas editha quino</i>) • Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>).	CA	Pursue, survey	Renew.
PER11783251	Matthew Metheny, Arcata, California.	• Tidewater goby (<i>Eucyclogobius newberryi</i>)	CA	Survey, capture, handle, photograph, release, and collect voucher specimens.	New.

Public Availability of Comments

Written comments we receive become part of the administrative record

associated with this action. 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 request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials, will be made available for public disclosure in their entirety.

Next Steps

If we decide to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Angela Picco,

Regional Threatened and Endangered Species Lead, Ecological Services, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2024-20076 Filed 9-5-24; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_NV_FRN_MO4500179144]

Notice of Availability of the Draft Resource Management Plan Amendment and Environmental Impact Statement for the Bonanza Solar Project, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) Nevada State Office has prepared a Draft Resource Management Plan (RMP) Amendment with an associated Draft Environmental Impact Statement (EIS) to consider the effects of a right-of-way (ROW) application from Bonanza Solar, LLC for the Bonanza Solar Project and by this notice is announcing the opening of the comment period on the Draft RMP Amendment/EIS.

DATES: This notice announces the opening of a 90-day comment period for the Draft RMP Amendment/EIS beginning with the date following the Environmental Protection Agency's (EPA) publication of its Notice of Availability (NOA) in the **Federal**

Register. The EPA usually publishes its NOAs on Fridays.

To afford the BLM the opportunity to consider comments in the Draft RMP Amendment/EIS, please ensure your comments are received prior to the close of the 90-day comment period or 15 days after the last public meeting, whichever is later. The BLM will be holding a combination of virtual and in-person public meetings. The specific date(s) and location(s) of these meetings will be announced at least 15 days in advance through the Project website.

ADDRESSES: You may submit comments related to the Bonanza Solar Project and RMP Amendment by any of the following methods:

- *Project website:* <https://eplanning.blm.gov/eplanning-ui/project/2020905/510>.
- *Email:* Bonanzasolar@blm.gov.
- *Mail:* BLM, Nevada State Office, Attn: Renewable Energy Coordination Office, 1340 Financial Boulevard, Reno, Nevada 89502.

Documents pertinent to this proposal may be examined online at <https://eplanning.blm.gov/eplanning-ui/project/2020905/510> and at the Southern Nevada District Office, 4701 N Torrey Pines Drive, Las Vegas, Nevada 89130.

FOR FURTHER INFORMATION CONTACT: Katy Paiva, Project Manager, telephone (775) 861-6723; address 1340 Financial Boulevard, Reno, NV 89502; email Bonanzasolar@blm.gov. Contact us at this email address to have your name added to our mailing list. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services for contacting Katy Paiva. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: This document provides notice that the BLM has prepared a Draft RMP Amendment/EIS and announces the opening of the comment period on the Draft RMP Amendment/EIS. The Draft RMP amendments evaluated changes to the existing 1998 Las Vegas RMP to modify an existing utility corridor and reclassify the visual resources management class in the project area.

The project area is in Clark County, Nevada, and encompasses approximately 5,131 acres of public lands with a gen-tie transmission going into Nye County for 10 acres.

Purpose and Need

The BLM's purpose is to respond under title V of FLPMA (43 U.S.C. 1761) to an application submitted by Bonanza Solar, LLC on December 1, 2020, to construct, operate, maintain, and eventually decommission a solar photovoltaic electric generating facility and associated facilities with a capacity of 300 megawatts.

The need for this action is established by BLM's responsibilities under FLPMA and its ROW regulations to consider the application. The BLM is required by FLPMA Section 103(c) to manage public lands for multiple uses that consider the long-term needs of future generations for renewable and non-renewable resources. The Secretary of the Interior authorized the BLM to grant ROWs on public lands for systems of generation, transmission, and distribution of electric energy (43 U.S.C. 1761(a)(4)).

Alternatives Including the Preferred Alternative

The BLM analyzed five alternatives in detail, including the no action alternative. Under the no action alternative, the project would not be authorized or constructed. The BLM evaluated four action alternatives, including the Proposed Action, a Resource Integration Alternative (Alternative 1), a BLM Preferred Alternative (Alternative 2), and a Modified Layout Alternative (Alternative 3), with variations on management objectives for vegetation cover and grading limits, measures to maintain the area for Mojave desert tortoise connectivity, and the source of the water for construction, operations and maintenance. The BLM further considered six additional alternatives but dismissed these from detailed analysis as explained in the Draft RMP Amendment/EIS.

The BLM has identified Alternative 2 as the BLM Preferred Alternative. Alternative 2 was found to best meet the planning guidance and, therefore, selected as the preferred alternative because it provides the best opportunity for solar energy development while allowing for the maintenance of habitat for Mojave desert tortoise connectivity.

Mitigation

The BLM Preferred Alternative includes measures to maintain and/or improve connectivity along U.S. Highway 95 for connectivity for the Mojave desert tortoise through the requirement of minimum vegetation retention standards and grading limits. The BLM Preferred Alternative also includes anti-perching/nesting

deterrents to minimize predation by ravens. Bonanza Solar, LLC will also be required to pay remuneration fees for impacts to Mojave desert tortoise habitats.

Area of Critical Environmental Concern

On September 22, 2020, the BLM received a nomination from the public to designate an Area of Critical Environmental Concern (ACEC) consisting of approximately 58,000 acres in the Cactus Springs area. The nominated ACEC overlaps the entire project area. In this Draft RMP Amendment/EIS, the BLM is not considering the ACEC nomination because designation of ACECs is not within the scope of the current planning process. Consistent with policy (HQ IM 2023-013), the BLM has prepared a relevance and importance values report for the nominated ACEC area and determined that special management attention is needed. The BLM has provided temporary management and implementation actions to protect values in the area, which have been incorporated into the BLM Preferred Alternative.

Schedule for the Decision-Making Process

The BLM will provide additional opportunities for public participation consistent with the NEPA and land use planning processes, including a 30-day public protest period and a 60-day Governor's consistency review of the Proposed RMP Amendment. The Proposed RMP Amendment/Final EIS is anticipated to be available for public protest in April 2025 with a Record of Decision in August 2025.

To afford the BLM the opportunity to consider comments in the Draft RMP Amendment/EIS, please ensure your comments are received prior to the close of the 90-day comment period or 15 days after the last public meeting, whichever is later.

The BLM has utilized and coordinated the NEPA and land use planning processes for this planning effort to help support compliance with applicable procedural requirements under the Endangered Species Act (16 U.S.C. 1536) and Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. 306108). The BLM has elected to comply with NHPA Section 106 requirements through the NEPA process (36 CFR 800.8(c)). The information about historic and cultural resources and threatened and endangered species within the area potentially affected by the proposed plan has assisted the BLM in identifying

and evaluating impacts to such resources.

The BLM will continue to consult with Indian Tribes on a government-to-government basis in accordance with Executive Order 13175, BLM MS 1780, and other Departmental policies. Tribal concerns, including potential impacts to cultural resources, will be given due consideration. Additional government-to-government meetings will occur during this review period.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 40 CFR 1501.7, 43 CFR 1610.2, and 43 CFR 2800)

Jon K. Raby,
State Director.

[FR Doc. 2024-19552 Filed 9-5-24; 8:45 am]

BILLING CODE 4331-21-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLAK931000.L10200000.EE0000.245; OMB Control No. 1004-0182]

Agency Information Collection Activities; Alaska Reindeer Grazing Requirements

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) proposes to reinstate an expired information collection.

DATES: Interested persons are invited to submit comments on or before November 5, 2024.

ADDRESSES: Send your written comments on this information collection request (ICR) by mail to Darrin King, Information Collection Clearance Officer, U.S. Department of the Interior, Bureau of Land Management, Attention PRA Office, 440 W 200 S #500, Salt Lake City, UT 84101; or by email to BLM_HQ_PRA_Comments@blm.gov. Please reference Office of Management and Budget (OMB) Control Number 1004-0182 in the subject line of your comments.

Please note that the electronic submission of comments is recommended.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Aliza D. DuComb, by email at aducomb@blm.gov, or by telephone at (907) 267-1398 or Ann Erickson, by email at aerickson@bml.gov, or by telephone at (907) 271-1985. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor, and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

- (1) Whether 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) 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 the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of

public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The BLM plans to request that OMB reinstate with changes OMB Control Number 1004–0182 which was inadvertently allowed to expire in September 2004. The BLM collects certain information from Alaska Natives interested in reindeer grazing activities on public lands that BLM administers in the State of Alaska. This information allows BLM to determine the compatibility of reindeer grazing on public lands with resource management guidelines developed in land use plans and multiple-use objectives described in 43 CFR part 4300.

The changes to this OMB Control Number from when it was last active in 2004 include discontinuing the form AK 4132–1–1, *Reindeer Permit Application*, as it was determined that the form lacks utility, and the BLM will also request to include the following information collections that are contained in the 43 CFR 4300 but were not previously accounted for under this OMB Control Number:

- Reindeer Grazing Permit Annual Report (43 CFR 4300.45);
- Assign permit to another party (43 CFR 4300.59 and 4300.60); and
- Permit to cross reindeer over public lands (43 CFR 4300.80).

This request is for OMB to reinstate with the above changes OMB Control Number 1004–0182.

Title of Collection: Alaska Reindeer Grazing Requirements (43 CFR 4300).

OMB Control Number: 1004–0182.

Form Numbers: AK 4201–1, *Grazing Lease or Permit Application* (OMB No. 1004–0182) and Form 4120–7, *Application for Range Improvement Permit* (OMB No. 1004–0019).

Type of Review: Reinstatement with change of a previously approved collection.

Respondents/Affected Public: Alaska Natives interested in reindeer grazing activities on public lands that BLM administers in the State of Alaska.

Total Estimated Number of Annual Respondents: 6.

Total Estimated Number of Annual Responses: 8.

Estimated Completion Time per Response: Varies from 1 hour to 30 minutes depending on activity.

Total Estimated Number of Annual Burden Hours: 11.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion and annual.

Total Estimated Annual Non-hour Burden Cost: \$12.

An agency may not conduct or sponsor and, notwithstanding any other provision of law, 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.*).

Darrin A. King,

Information Collection Clearance Officer.

[FR Doc. 2024–20116 Filed 9–5–24; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_AK_FRN_MO4500180464; AA–93952]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision identifying easements to be reserved to the United States.

SUMMARY: The Bureau of Land Management (BLM) hereby provides constructive notice that it will issue an appealable decision to Sealaska Corporation. The decision identifies easements for reservation to the United States pursuant to sec. 17(b) of the Alaska Native Claims Settlement Act of 1971 (ANCSA).

DATES: Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the time limits set out in the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: You may obtain a copy of the decision from the Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, AK 99513–7504.

FOR FURTHER INFORMATION CONTACT: Dina L. Torres, BLM Alaska State Office, 907–271–5699, or dtorres@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 Tele Braille) 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: As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision will be issued by the BLM to Sealaska Corporation. The decision identifies easements pursuant to sec. 17(b) of the Alaska Native Claims Settlement Act of 1971 (ANCSA), 43 U.S.C. 1616(b), to be reserved to the United States upon issuance of the confirmatory patent to Sealaska Corporation. On March 6, 2015, Interim Conveyance No. 2416 was issued to Sealaska Corporation pursuant to secs. 14(h)(8) and 22(j) of ANCSA, 43 U.S.C. 1613(h)(8), 1621(j), and sec. 3002 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015, enacted December 19, 2014, Public Law No. 113–291, for lands selected under sec. 14(h)(8) of ANCSA and depicted on the maps defined in Sec. 3002(a)(1) of Public Law 113–291. A copy of the maps can be found in BLM case file AA–93952 and at the Juneau Regional Office of the United States Forest Service. Section 3002(c)(1) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015, authorized the Secretary of the Interior to identify and reserve, by two years after the date of enactment, or as soon as practical, any easements under sec. 17(b) of ANCSA that could have been reserved upon issuance of the interim conveyance to Sealaska Corporation.

The BLM will also publish notice of the decision once a week for four consecutive weeks in the “Juneau Empire” newspaper.

Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the following time limits:

1. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who fail or refuse to sign their return receipt, and parties who receive a copy of the decision by regular mail, which is not certified, return receipt requested, shall have until October 7, 2024 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4 shall be deemed to have

waived their rights. Notices of appeal transmitted by facsimile will not be accepted as timely filed.

Dina L. Torres,

Management and Program Analyst, Division of Lands and Cadastral Survey.

[FR Doc. 2024–20048 Filed 9–5–24; 8:45 am]

BILLING CODE 4331–10–P

DEPARTMENT OF THE INTERIOR

National Park Service

[DOI–2024–0008; PPWOCRADB0/PCU00RP15.R50000]

Privacy Act of 1974; System of Records

AGENCY: National Park Service, Interior.

ACTION: Notice of a new system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, as amended, the Department of the Interior (DOI) is issuing a public notice of its intent to create the National Park Service (NPS) Privacy Act system of records, INTERIOR/NPS–35, Cultural Resource Applications System. The system provides the NPS Cultural Resources, Partnerships, and Science (CRPS) Directorate program managers the information needed to make informed cultural resources management decisions. This newly established system will be included in DOI's inventory of record systems.

DATES: This new system will be effective upon publication. New routine uses will be effective October 7, 2024. Submit comments on or before October 7, 2024.

ADDRESSES: You may send comments identified by docket number [DOI–2024–0008] by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for sending comments.
 - *Email:* DOI_Privacy@ios.doi.gov.
- Include docket number [DOI–2024–0008] in the subject line of the message.
- *U.S. Mail or Hand-Delivery:* Teri Barnett, Departmental Privacy Officer, U.S. Department of the Interior, 1849 C Street NW, Room 7112, Washington, DC 20240.

Instructions: All submissions received must include the agency name and docket number [DOI–2024–0008]. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Felix Uribe, Associate Privacy Officer, National Park Service, U.S. Department of the Interior, 12201 Sunrise Valley Drive, Reston, VA 20192, nps_privacy@nps.gov or 202–354–6925.

SUPPLEMENTARY INFORMATION:

I. Background

The CRPS Directorate consists of various applications that support programs under an Associate Director, including the Technical Preservation Services (TPS) Office, National Register of Historic Places and National Historic Landmarks Programs (NR/NHL), Park Archeology Program, Cultural Landscapes, Historic and Prehistoric Structures, and State, Tribal, Local Governments Program, and Tribal Relations and American Cultures. The INTERIOR/NPS–35, Cultural Resource Applications System, system of records provides the NPS CRPS Directorate program managers the ability to centrally manage processes from several program areas. The system helps NPS track, manage, comment and report on grant applications; manage and report on National Register resources in an effective and timely manner; track the processing of applications for Federal income tax incentives for historic preservation; manage NPS's official inventory of cultural resource sites in parks; provide Historic Preservation Offices the ability to report program and financial activities; provide the Native American Graves Protection and Repatriation Act (NAGPRA) Program the ability to track and process data related areas of program work; handle submission, collection, reviewing of the application process and track its progress; create reports, and provide audit documentation; and comply with legal and regulatory requirements for cataloging and reporting on cultural resources and historic properties. To the extent permitted by law, information may be shared with Federal, State, local, Tribal agencies, members of the public, and organizations as authorized and compatible with the purpose of this system, or when proper and necessary, consistent with the routine uses set forth in this system of records notice (SORN).

II. Privacy Act

The Privacy Act of 1974, as amended, embodies fair information practice principles in a statutory framework governing how Federal agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to records about individuals that are maintained in a "system of records." A "system of records" is a group of any

records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. The Privacy Act defines an individual as a United States citizen or lawful permanent resident. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DOI by complying with DOI Privacy Act regulations at 43 CFR part 2, subpart K, and following the procedures outlined in the Records Access, Contesting Record, and Notification Procedures sections of this notice.

The Privacy Act requires each agency to publish in the **Federal Register** a description denoting the existence and character of each system of records that the agency maintains, and the routine uses of each system. The INTERIOR/NPS–35, Cultural Resource Applications System, SORN is published in its entirety below. In accordance with 5 U.S.C. 552a(r), DOI has provided a report of this system of records to the Office of Management and Budget and to Congress.

III. Public Participation

You should be aware your entire comment including your personally identifiable information, such as your address, phone number, email address, or any other personal information in your comment, may be made publicly available at any time. While you may request to withhold your personally identifiable information from public review, we cannot guarantee we will be able to do so.

SYSTEM NAME AND NUMBER:

INTERIOR/NPS–35, Cultural Resource Applications System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Cultural Resources, Partnerships, and Science Directorate, National Park Service, U.S. Department of the Interior, 1849 C Street NW, Room 3316, Washington, DC 20240.

SYSTEM MANAGER(S):

Associate Director, Cultural Resources, Partnerships, and Science Directorate, National Park Service, U.S. Department of the Interior, 1849 C Street NW, Room 7518, Washington, DC 20240.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Archeological Resources Protection Act, 16 U.S.C. 470aa–470mm;

Archeological and Historic Preservation Act, 54 U.S.C. 312501–312508; Protection of Archeological Resources, 43 CFR part 7; Protection of Historic Properties, 36 CFR part 800; National Historic Preservation Act (NHPA), 54 U.S.C. 300101 *et seq.*; National Park Service and Related Programs, 54 U.S.C., section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, section 304 of the National Historic Preservation Act, 54 U.S.C. 307103, section 110 of the National Historic Preservation Act, 54 U.S.C. 306101 *et seq.*; National Historic Landmarks Program, 54 U.S.C. 302102–302108; National Register of Historic Places, 36 CFR part 60; Determinations of Eligibility for Inclusion in the National Register of Historic Places, 36 CFR part 63; National Historic Landmarks Program, 36 CFR part 65; National Park Service Centennial Act, Public Law 114–289 (Dec. 16, 2016); Internal Revenue Code (IRC), 26 U.S.C.; Rehabilitation Credit, 26 U.S.C. 47; Charitable, etc., Contributions and Gifts, 26 U.S.C. 170; Identifying Numbers, 26 U.S.C. 6109; Department of the Interior Regulations, Historic Preservation Certifications Under the Internal Revenue Code, 36 CFR part 67; and African American Civil Rights Network Act of 2017, Public Law 115–104 (Jan. 8, 2018).

PURPOSE(S) OF THE SYSTEM:

The purpose of the system is to provide NPS CRPS Directorate program managers the information needed to make informed cultural resources management decisions. The system is used to track the receipt and processing of applications for NPS certification for Federal income tax incentives for historic preservation, track and process grant applications and results, and comply with legal and regulatory requirements for cataloging and reporting on cultural resources and historic properties.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system include NPS employees, Federal contractors, members of the public to include applicants, volunteers, interns, Tribal Historic Preservation Office staff, State Historic Preservation Office staff, and non-profit organization contractors who are associated with grants or projects on National Register or other historic preservation properties or under contracts or agreements with NPS or another Federal agency. This system contains records concerning corporations and other business entities, which are not subject to the Privacy Act.

However, records pertaining to individuals acting on behalf of corporations and other business entities may reflect personal information that may be maintained in this system of records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records covered by the system include:

(1) National Register & Landmarks Application Records. Information in the records include associated persons, events, and/or cultural significance, address, site ownership, and point of contact information, identification of persons or organizations associated to the site, *e.g.*, architect, builder.

(2) Applications for Federal Income Tax Incentives for Historic Preservation. Information in the records include building name and address, owner name, home mailing address, personal email, home phone number, and Social Security number (SSN) or Tax Identification Number (TIN), and associated tax benefit; name, email, and phone number of State, Tribal, or local historic preservation office contact, reference identifier for NRIS–NHL, NPS Reviewer comments, appeal number, project number, dates, and actions such as lack of payment, denials, late or second notices.

Records may include but are not limited to: name, SSN, Tribal Identification Number, other identification numbers, home address, home telephone number, personal cell phone number, personal email address, group affiliation, employment information, financial information, information related to grants and awards, NPS system-assigned project number, and other information as needed to support the system.

RECORD SOURCE CATEGORIES:

Records are collected directly from the applicant or owner/agent for the project or property using standard application forms.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DOI as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including Offices of the U.S. Attorneys, or other Federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative

body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

(1) DOI or any component of DOI;

(2) Any other Federal agency appearing before the Office of Hearings and Appeals;

(3) Any DOI employee or former employee acting in his or her official capacity;

(4) Any DOI employee or former employee acting in his or her individual capacity when DOI or DOJ has agreed to represent that employee or pay for private representation of the employee; or

(5) The United States Government or any agency thereof, when DOJ determines that DOI is likely to be affected by the proceeding.

B. To a congressional office when requesting information on behalf of, and at the request of, the individual who is the subject of the record.

C. To the Executive Office of the President in response to an inquiry from that office made at the request of the subject of a record or a third party on that person's behalf, or for a purpose compatible with the reason for which the records are collected or maintained.

D. To any criminal, civil, or regulatory law enforcement authority (whether Federal, State, territorial, local, Tribal, or foreign) when a record, either alone or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature, and the disclosure is compatible with the purpose for which the records were compiled.

E. To an official of another Federal agency to provide information needed in the performance of official duties related to reconciling or reconstructing data files or to enable that agency to respond to an inquiry by the individual to whom the record pertains.

F. To Federal, State, territorial, local, Tribal, or foreign agencies that have requested information relevant or necessary to the hiring, firing or retention of an employee or contractor, or the issuance of a security clearance, license, contract, grant or other benefit, when the disclosure is compatible with the purpose for which the records were compiled.

G. To representatives of the National Archives and Records Administration (NARA) to conduct records management inspections under the authority of 44 U.S.C. 2904 and 2906.

H. To State, territorial, and local governments and Tribal organizations to provide information needed in response to court order and/or discovery

purposes related to litigation, when the disclosure is compatible with the purpose for which the records were compiled.

I. To an expert, consultant, grantee, shared service provider, or contractor (including employees of the contractor) of DOI that performs services requiring access to these records on DOI's behalf to carry out the purposes of the system.

J. To appropriate agencies, entities, and persons when:

(1) DOI suspects or has confirmed that there has been a breach of the system of records.

(2) DOI has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOI (including its information systems, programs, and operations), the Federal Government, or national security; and

(3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DOI's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

K. To another Federal agency or Federal entity, when DOI determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in:

(1) responding to a suspected or confirmed breach; or

(2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

L. To the Office of Management and Budget (OMB) during the coordination and clearance process in connection with legislative affairs as mandated by OMB Circular A-19.

M. To the Department of the Treasury to recover debts owed to the United States.

N. To the news media and the public, with the approval of the Public Affairs Officer in consultation with counsel and the Senior Agency Official for Privacy, where there exists a legitimate public interest in the disclosure of the information, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

O. To the Internal Revenue Service and State Historic Preservation Offices for the purpose of processing applications for NPS certification for Federal income tax incentives for historic preservation and to meet

regulatory requirements for administration of the system.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records are stored in locked file cabinets in locked offices. Electric records are stored on file servers which is hosted by the NPS data center.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system are retrieved by various fields including the first name, last name of an individual, name of a historic property, property location, and NPS system-assigned project number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records in this system are retained in accordance with the NPS Records Schedule, Resource Management and Lands, which has been approved by the National Archives and Records Administration (NARA) (Job No. NI-79-08-01), for records documenting the acquisition, planning, management, and protection of lands and natural and cultural resources under the stewardship of NPS. The disposition for records in the system is permanent and records are transferred to permanent special media and electronic records along with any finding aids or descriptive information (including linkage to the original file), and related documentation by calendar year to the National Archives when 3 years old. Digital records will be transferred according to standards applicable at the time. All other permanent records are transferred to NARA 7 years after closure.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The records contained in this system are safeguarded in accordance with 43 CFR 2.226 and other applicable security and privacy rules and policies. Paper records are maintained in locked file cabinets in locked offices under the control of authorized personnel. Computer servers on which electronic records are stored and located are in secured DOI controlled areas with physical, technical, and administrative levels of security to prevent unauthorized access to the DOI network and information assets.

Computerized records systems follow the National Institute of Standards and Technology privacy and security standards as developed to comply with the Privacy Act of 1974, as amended, 5 U.S.C. 552a; Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*; Federal Information Security Modernization Act

of 2014, 44 U.S.C. 3551 *et seq.*; and the Federal Information Processing Standards 199: Standards for Security Categorization of Federal Information and Information Systems. Security controls include user identification, passwords, database permissions, encryption, firewalls, audit logs, and network system security monitoring, and software controls.

The system is accessed by NPS authorized employees, contractors, and volunteers (collectively, NPS users) using the Personal Identity Verification (PIV) credentials and DOI Active Directory for authentication and role/permission management. NPS users must complete a background check and are required to sign the DOI Rules of Behavior and must complete security and privacy training prior to accessing the DOI computer system or network. A Privacy Impact Assessment was conducted on the Cultural Resource Applications System to ensure that Privacy Act requirements are met, and appropriate privacy controls were implemented to safeguard the personally identifiable information contained in the system.

Government user access will be authorized according to their role and permissions using a formal process for ensuring least privilege access is maintained before their accounts are created through the Role Based Access Control (RBAC) system. Government users will authenticate to RBAC using the applicable agency identity provider (*e.g.*, Active Directory Federated Services for DOI) and their issued PIV card. The system uses audit logs to protect against unauthorized access, changes or use of data.

Non-NPS users, including users from other Federal agencies, State governments, local governments, Tribal organizations, universities, or the general public, must first obtain approval from program managers and register to have a user account created. The system user management tools provide multifactor authentication using a valid email account and a temporary encrypted account confirmation code. The system can be accessed through NPS public and internal network portals. Access to data is restricted to authorized personnel who require access to perform their official duties. Access to administrative functions is strictly controlled.

For all users, the permissions will determine what function the user may execute in the system and define what records the user can enter, edit, read, or delete. System administrators are required to view usernames and permissions for troubleshooting and for

system maintenance purposes. NPS employees and contractors with privileged accounts will be subject to routine auditing to ensure compliance with policies and procedures for managing data confidentiality and integrity. System administrators periodically review audit logs to prevent unauthorized monitoring for all users based on authorized and assigned roles and permissions.

RECORD ACCESS PROCEDURES:

An individual requesting access to their records should send a written inquiry to the System Manager identified above. DOI forms and instructions for submitting a Privacy Act request may be obtained from the DOI Privacy Act Requests website at <https://www.doi.gov/privacy/privacy-act-requests>. The request must include a general description of the records sought and the requester's full name, current address, and sufficient identifying information such as date of birth or other information required for verification of the requester's identity. The request must be signed and dated and be either notarized or submitted under penalty of perjury in accordance with 28 U.S.C. 1746. Requests submitted by mail must be clearly marked "PRIVACY ACT REQUEST FOR ACCESS." on both the envelope and letter. A request for access must meet the requirements of 43 CFR 2.238.

CONTESTING RECORD PROCEDURES:

An individual requesting amendment of their records should send a written request to the System Manager as identified above. DOI instructions for submitting a request for amendment of records are available on the DOI Privacy Act Requests website at <https://www.doi.gov/privacy/privacy-act-requests>. The request must clearly identify the records for which amendment is being sought, the reasons for requesting the amendment, and the proposed amendment to the record. The request must include the requester's full name, current address, and sufficient identifying information such as date of birth or other information required for verification of the requester's identity. The request must be signed and dated and be either notarized or submitted under penalty of perjury in accordance with 28 U.S.C. 1746. Requests submitted by mail must be clearly marked "PRIVACY ACT REQUEST FOR AMENDMENT" on both the envelope and letter. A request for amendment must meet the requirements of 43 CFR 2.246.

NOTIFICATION PROCEDURES:

An individual requesting notification of the existence of records about them should send a written inquiry to the System Manager as identified above. DOI instructions for submitting a request for notification are available on the DOI Privacy Act Requests website at <https://www.doi.gov/privacy/privacy-act-requests>. The request must include a general description of the records and the requester's full name, current address, and sufficient identifying information such as date of birth or other information required for verification of the requester's identity. The request must be signed and dated and be either notarized or submitted under penalty of perjury in accordance with 28 U.S.C. 1746. Requests submitted by mail must be clearly marked "PRIVACY ACT INQUIRY" on both the envelope and letter. A request for notification must meet the requirements of 43 CFR 2.235.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

Teri Barnett,

Departmental Privacy Officer, U.S. Department of the Interior.

[FR Doc. 2024-20104 Filed 9-5-24; 8:45 am]

BILLING CODE 4312-52-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1343]

Certain Video Processing Devices and Components Thereof; Notice of a Commission Determination To Review in Part a Final Initial Determination Finding No Violation of Section 337 and, on Review, To Affirm the Finding of No Violation; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part a final initial determination ("ID") issued by the presiding administrative law judge ("ALJ") on May 29, 2024, finding no violation of section 337 in the above-referenced investigation and, on review, to affirm the finding of no violation. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the

General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 29, 2022, based on a complaint filed on behalf of DivX, LLC ("DivX") of San Diego, CA. 87 FR 73328 (Nov. 29, 2022). The complaint 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 video processing devices and components thereof by reason of infringement of claims 1-7 and 10-16 of U.S. Patent No. 11,050,808 ("the '808 patent"); claims 1, 2, and 4 of U.S. Patent No. 8,832,297 ("the '297 patent"); claims 29-32 of U.S. Patent No. 7,295,673 ("the '673 patent"); claims 1-11 of U.S. Patent No. 10,225,588 ("the '588 patent"); and claims 11-13 and 15-17 of U.S. Patent No. 11,102,553 ("the '553 patent"). *Id.* The complaint further alleges that a domestic industry exists. *Id.* at 62568. The Commission's notice of investigation named Amazon.com, Inc. ("Amazon") of Seattle, WA and VIZIO, Inc. ("VIZIO") of Irvine, CA as respondents. *Id.* The Office of Unfair Import Investigations is not a party in this investigation. *Id.*

DivX's allegations with respect to the '808 patent were terminated as to respondent Amazon. *See* Order No. 30 (Aug. 21, 2023), *unreviewed by Comm'n Notice* (Sept. 18, 2023).

Respondent VIZIO was terminated from the investigation. *See* Order No. 33 (Sept. 11, 2023), *unreviewed by Comm'n Notice* (Oct. 11, 2023).

DivX's allegations were terminated with respect to claims 12, 13, 15, and 16 of the '553 patent; claims 3, 4, 8, 9, and 10 of the '588 patent; claim 4 of the '297 patent; and claim 31 of the '673 patent. *See* Order No. 53 (Dec. 20, 2023), *unreviewed by Comm'n Notice* (Jan. 9, 2024).

On May 29, 2024, the ALJ issued a final ID on violation of section 337 and

a recommended determination on remedy and bond. The final ID found that no violation of section 337 has occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation, of certain video processing devices and components thereof by reason of infringement of claims 29, 30, and 32 of the '673 patent; claims 1 and 2 of the '297 patent; claims 1, 2, 5, 6, and 7 of the '588 patent; and claims 11 and 17 of the '553 patent.

The ID found that the accused products do not infringe the asserted claims of any of the asserted patents. The ID also found that the domestic industry requirement (both technical and economic prongs) has not been satisfied with respect to the '673, '297, '588, and '553 patents.

The ID further found that it has not been shown by clear and convincing evidence that the asserted claims of the '673, '297, '588, and '553 patents are invalid.

On June 10, 2024, complainant DivX filed "Complainant DivX, LLC's Petition for Review of the Initial Determination." Likewise, on June 10, 2024, respondent Amazon filed "Contingent Petition for Review of May 29, 2024, Initial Determination by Respondent Amazon.com, Inc." Subsequently, on June 18, 2024, DivX filed "Complainant DivX, LLC's Response to Contingent Petition for Review of May 29, 2024, Initial Determination by Respondent Amazon.com, Inc.," and Amazon filed "Response to Complainant's Petition for Review of May 29, 2024 Initial Determination by Respondent Amazon.com, Inc."

Having examined the record in this investigation, including the final ID, the petitions for review, and the responses thereto, the Commission has determined to review in part the ID and, on review, to affirm the final ID with the following modifications. Specifically, the Commission has determined to review section IV of the final ID, JURISDICTION (*see* ID at 15–16). On review and as discussed more fully in the Commission Opinions recently issued in Inv. Nos. 337–TA–1355 and 337–TA–1362, the Commission clarifies that the terms "subject matter jurisdiction," "personal jurisdiction," and "*in rem* jurisdiction" are not necessarily applicable to the Commission's investigative authority under section 337. *See Certain Liquid Transfer Devices with an Integral Vial Adapter*, Inv. No. 337–TA–1362, Comm. Op. at 9 (Jul. 26, 2024); *Certain Compact Wallets and Components Thereof*, Inv. No. 337–TA–1355, Comm. Op. at 11–12 (Aug. 13, 2024). The Commission is "a

creature of statute." *Kyocera v. Int'l Trade Comm'n*, 545 F.3d 1340, 1355 (Fed. Cir. 2008). Accordingly, pursuant to its enabling statute, the Commission has statutory authority to investigate an alleged violation of section 337 where a complaint alleges that the named respondents have imported, sold for importation, or sold after importation articles that, *inter alia*, infringe a valid and enforceable U.S. patent. 19 U.S.C. 1337(a)(1)(B). The Commission likewise has authority over accused products based on their alleged importation, sale for importation, or sale after importation into the United States.

Second, the Commission has determined to review the economic prong of domestic industry requirement in its entirety, and on review, affirm a finding of no domestic industry under modified reasoning. Specifically, on review, the Commission finds that DivX has failed to establish a domestic industry based upon the finding that DivX failed to satisfy the technical prong of the domestic industry requirement for the Asserted Patents (ID at 39, 47, 69). When a section 337 investigation is based on allegations of patent infringement, the complainant must show that "an industry in the United States, relating to the articles protected by the patent . . . exists or is in the process of being established." 19 U.S.C. 1337(a)(2). Because there are no articles protected by the Asserted Patents, DivX failed to satisfy the domestic industry requirement.

The Commission has also determined to review sections VI.D (validity with respect to the '673 patent, ID at 47–53); VII.D (validity with respect to the '297 patent, ID at 69–84); VIII.D (validity with respect to the '553 patent, ID at 101–104); IX.D (validity with respect to the '588 patent, ID at 116–121), and X (Amazon's defenses, ID at 121–127), and on review, the Commission takes no position. *See Beloit Corp. v. Valmet Oy*, 742 F.2d 1421, 1423 (Fed. Cir. 1984).

Finally, the Commission notes a typographical error in the third sentence on page 1 of the final ID. The Commission interprets that sentence to mean:

The complaint alleges a violation of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain video processing devices and components thereof by reason of the infringement of certain claims of U.S. Patent Nos. 8,832,297 (the "'297 patent"); 7,295,673 (the "'673 patent"); 10,225,588 (the "'588 patent"); 11,102,553 (the "'553 patent"); and 11,050,808 ("the '808 patent").

The Commission has determined not to review the remainder of the ID,

including the ID's finding of no violation of section 337 in this investigation.

The investigation is hereby terminated.

The Commission vote for this determination took place on August 30, 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 30, 2024.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2024–20067 Filed 9–5–24; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1426]

Importer of Controlled Substances Application: Bright Green Corporation

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Bright Green Corporation has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to Supplementary Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before October 7, 2024. Such persons may also file a written request for a hearing on the application on or before October 7, 2024.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking

Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement

Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on July 30, 2024, Bright Green Corporation, 1033 George Hanosh Boulevard, Grants, New Mexico 87020, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Marihuana Extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I

The company plans to import tissue culture that will be used to begin the propagation of their bulk cannabis manufacturing operation. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Marsha L. Ikner,
Acting Deputy Assistant Administrator.
[FR Doc. 2024-20083 Filed 9-5-24; 8:45 am]
BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1425]

Importer of Controlled Substances Application: Biopharmaceutical Research Company

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Biopharmaceutical Research Company has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before October 7, 2024. Such persons may also file a written request for a hearing on the application on or before October 7, 2024.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public

view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on July 17, 2024, Biopharmaceutical Research Company, 11045 Commercial Parkway, Castroville, California 95012-3209, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Marihuana Extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I

The company plans to import Marihuana Extract (7350), Marihuana (7360) and Tetrahydrocannabinols (7370) as flowering plants and cannabis derivatives to support analytical chemistry analyses, research and the manufacturing of dosage forms for pre-clinical and clinical trials. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what

is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Marsha L. Ikner,
Acting Deputy Assistant Administrator.
[FR Doc. 2024-20085 Filed 9-5-24; 8:45 am]
BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1429]

Importer of Controlled Substances Application: Cambridge Isotope Laboratories, Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Cambridge Isotope Laboratories, Inc. has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to Supplementary Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before October 7, 2024. Such persons may also file a written request for a hearing on the application on or before October 7, 2024.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically

through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration,

Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA **Federal Register** Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on July 24, 2024, Cambridge Isotope Laboratories, Inc., 50 Frontage Road, Andover, Massachusetts 01810-5413, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Gamma Hydroxybutyric Acid	2010	I
Tetrahydrocannabinols	7370	I
Morphine	9300	II

The company plans to import the listed controlled substances for preparation of analytical standards and formulations. In reference to drug code 7370 (Tetrahydrocannabinols), the company plans to import a synthetic Tetrahydrocannabinol. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Marsha L. Ikner,
Acting Deputy Assistant Administrator.
[FR Doc. 2024-20082 Filed 9-5-24; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

On August 30, 2024, the Department of Justice lodged a proposed consent decree with the United States District Court for the Southern District of Texas, Corpus Christi Division, in the lawsuit entitled *United States v. Energy Transfer (R&M), LLC, et al.* Civil Action No. 2:23-CV-214. The proposed consent decree is between the United

States and The Goodyear Tire & Rubber Company ("Goodyear").

The United States asserted claims in this case under sections 107 and 113 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9607 and 9613(g)(2), seeking to recover unreimbursed response costs incurred by the United States in responding to releases of hazardous substances at the Brine Service Company Inc. Superfund Site ("Site") in Corpus Christi, Nueces County, Texas, and a declaratory judgment for additional costs incurred in performing further response actions at the Site. Under the proposed Consent Decree, Goodyear agrees to perform cleanup activities in a portion of the Site (called the "North Pit") and to pay the United States' future response costs in connection with overseeing the work. The United States will grant a covenant not to sue or to take administrative action against Goodyear pursuant to sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments on the proposed Consent Decree should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Energy Transfer (R&M), LLC, et al.*, D.J. Ref. 90-11-3-10616/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	pubcomment-ees.enrd@usdoj.gov .
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Any comments submitted in writing may be filed in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. If you require assistance accessing the consent decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Thomas Carroll,
Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2024-20099 Filed 9-5-24; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF LABOR**Agency Information Collection Activities; Proposed Extension of Information Collection; United States-Mexico-Canada Agreement (USMCA) Web-Based Hotline**

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Bureau of International Labor Affairs (ILAB)-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 November 5, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 60 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 60-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Samantha Tate by telephone at 202–693–4920, or by email at Tate.Samantha.S@dol.gov.

SUPPLEMENTARY INFORMATION: This information collection is necessary as DOL is required by the USMCA Implementation Act to establish and monitor a web-based hotline as an information collection system. This USMCA web-based hotline serves as an electronic portal to collect and receive confidential information regarding labor issues among USMCA countries directly from interested parties, including Mexican workers.

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.

Type of Review: Extension of a currently approved collection.

Agency: DOL–ILAB.

Title of Collection: United States-Mexico-Canada Agreement (USMCA) Web-based Hotline.

OMB Number: 1255–0001.

Affected Public: Individuals or Households.

Number of Respondents: 2,317.

Number of Responses: 2,317.

Annual Burden Hours: 555 hours.

Annual Respondent or Recordkeeper Cost: \$0.

(Authority: 44 U.S.C. 3506(c)(2)(A)).

Thea Mei Lee,

Deputy Undersecretary for International Affairs, U.S. Department of Labor/Bureau of International Labor Affairs.

[FR Doc. 2024–20045 Filed 9–5–24; 8:45 am]

BILLING CODE 4510–28–P

DEPARTMENT OF LABOR

[Agency Docket Number DOL–2024–0005]

Notice of Publication to the Department of Labor’s List of Goods Produced by Child Labor or Forced Labor, and Updates to the List of Products Requiring Federal Contractor Certification as to Forced or Indentured Child Labor

AGENCY: Bureau of International Labor Affairs, U.S. Department of Labor.

ACTION: Notice of publication of List of Goods Produced by Child labor or Forced Labor and proposed revisions to the List of Products Requiring Federal Contractor Certification as to Forced or Indentured Child Labor pursuant to Executive Order 13126; request for information.

SUMMARY: This notice announces the publication on September 5, 2024, of an

updated list of goods—along with countries of origin—that the Department of Labor (DOL) has reason to believe are produced with child labor or forced labor in violation of international standards (the TVPRA List). DOL, in consultation with U.S. Departments of State and Homeland Security, also proposes to revise the list required by the Executive order entitled “Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor” to add garments from Bangladesh and invites public comments. Finally, DOL invites information and/or comment on the likelihood of child labor and/or forced child labor in the production of shrimp from India, on child labor and/or forced labor risks in gold supply chain inputs connected to the United Arab Emirates (UAE), and any other product not mentioned in this notice.

DATES: Comments should be submitted to the Office of Child Labor, Forced Labor, and Human Trafficking (OCFT) via one of the methods described below and must be received by no later than 11:59 p.m. ET, December 16, 2024, to guarantee consideration.

ADDRESSES: Information submitted to the Department of Labor should be submitted directly to OCFT, Bureau of International Labor Affairs, U.S. Department of Labor by 11:59 p.m. ET, on December 16, 2024. Comments, identified as “Docket No. DOL–2024–0005,” may be submitted by any of the following methods:

Federal eRulemaking Portal: The portal includes instructions for submitting comments. Parties submitting responses electronically are encouraged not to submit paper copies.

Digital Accessibility: DOL is required to ensure that all its digital information is accessible to people with disabilities, including those who use assistive technology such as screen readers. Therefore, DOL requests that your submissions through the portal be as accessible as possible. If you are able to conform to the current Web Content Accessibility Guidelines (WCAG), then please do so. Otherwise, DOL requests that submissions be made in a Microsoft Word document, using the built-in Styles for document formatting, including descriptive Alt Text on embedded images and graphics, and using the built-in Word Accessibility Checker for additional accessibility improvements. Although permissible, please avoid submitting scanned images, screen shots, or PDFs whenever possible.

Facsimile (fax): OCFT at 202–693–4830.

Mail, Express Delivery, Hand Delivery, and Messenger Service (1 copy):

Matthew Fraterman at U.S. Department of Labor, ILAB/Office of Child Labor, Forced Labor, and Human Trafficking, 200 Constitution Ave. NW, Room S-5317, Washington, DC 20210.

Email: Email submissions should be addressed to Matthew Fraterman. Email: ILAB-EO13126@dol.gov.

FOR FURTHER INFORMATION CONTACT:

Matthew Fraterman, Office of Child Labor, Forced Labor, and Human Trafficking, Bureau of International Labor Affairs, U.S. Department of Labor at (202) 693-4833 (this is not a toll-free number) or Fraterman.matthew@dol.gov. Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the Federal Information Relay Service at 1-877-889-5627.

SUPPLEMENTARY INFORMATION: I. TVPRA

List: The Bureau of International Labor Affairs (ILAB) announces the publication of the eleventh edition of the List of Goods Produced by Child Labor or Forced Labor (TVPRA List), pursuant to the Trafficking Victims Protection Reauthorization Act of 2005, as amended (TVPRA). DOL published the initial TVPRA List on September 10, 2009, and has since published ten updated editions. The 2024 edition of the TVPRA List includes 204 goods from 82 countries. This eleventh edition adds a total of 72 items and removes four items from the TVPRA List: blueberries from Argentina, salt from Cambodia, fluorspar from Mongolia, and shrimp from Thailand.

Section 105(b) of the Trafficking Victims Protection Reauthorization Act of 2005, Public Law 109-164 (2006), 22 U.S.C 7112(b), as amended by section 133 of the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018, Public Law 115-425 (2019), directs the Secretary of Labor, acting through ILAB, to “develop and make available to the public a list of goods from countries that [ILAB] has reason to believe are produced by forced labor or child labor in violation of international standards, including, to the extent practicable, goods that are produced with inputs that are produced with forced labor or child labor.”

The primary purposes of the TVPRA List are to raise public awareness about the prevalence of child labor and forced labor in the production of goods in the countries listed and to promote efforts to eliminate such practices. The updated TVPRA List, methodology, and bibliography of sources is available on DOL’s website.

II. E.O. 13126 List: DOL is requesting public comment on the revision to the list proposed below, as well as any other issue related to the fair and effective implementation of Executive Order (E.O.) 13126, “Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor”. This notice is a general solicitation of comments from the public. All submitted comments will be made a part of the public record and will be available for inspection on <https://www.regulations.gov>.

The E.O. 13126 List identifies a list of products, by their country of origin, that DOL, in consultation and cooperation with the Department of State and the Department of Homeland Security (hereinafter “the Departments”), has a reasonable basis to believe might have been mined, produced, or manufactured by forced or indentured child labor. Federal contracting officers must check the E.O. 13126 List when issuing a solicitation for supplies expected to exceed the micro-purchase threshold and take certain steps if the solicited product appears on the list (48 CFR 22.1503).

In conducting research for this initial determination, DOL considered a wide variety of materials based on its own research and originating from other U.S. Government agencies, international organizations, non-governmental organizations, academic and other independent research, media, and other sources. In developing the proposed revision to the E.O. 13126 List, DOL’s review focused on information concerning the use of forced or indentured child labor that was available from the above sources.

As outlined in the Procedural Guidelines, several factors were weighed in determining whether or not a product should be placed on the revised E.O. 13126 List: The nature of the information describing the use of forced or indentured child labor; the source of the information; the date of the information; the extent of corroboration of the information by other sources; whether the information involved more than an isolated incident; and whether recent and credible efforts are being made to address forced or indentured child labor in a particular country or industry (66 FR 5351).

This notice constitutes the initial determination to revise the E.O. 13126 List. Based on recent credible and appropriately corroborated information from various sources, the Departments preliminarily conclude there is a reasonable basis to believe that the following product, identified by the country of origin, might have been

mined, produced, or manufactured by forced or indentured child labor: *garments from Bangladesh*. DOL invites public comment on whether this product should be included in the revised E.O. 13126 List.

III. Request for Information: Finally, DOL invites public comment on whether other goods or products, regardless of whether they are mentioned in this notice, should be included in or removed from the E.O. 13126 List and/or future editions of the TVPRA List.

Specifically, DOL seeks information and/or comment on the likelihood of child labor and/or forced child labor in the production of *shrimp from India*. DOL has not determined at this time to add shrimp from India to the E.O. 13126 List but requests relevant information on this and any other products that pertain to the maintenance of the E.O. 13126 List.

In addition, DOL seeks information and/or comment on child labor and/or forced labor in gold supply chain inputs in the production of downstream goods in the UAE, including gold originating from the Democratic Republic of Congo, Cameroon, the Central African Republic, Mali, Sudan, Zimbabwe, and any other relevant countries, as well as efforts to address child labor and/or forced labor in global supply chains in Africa and improve traceability into the UAE and other markets. DOL has not determined at this time to add gold from the UAE to the TVPRA List but requests relevant information on this and any other products that pertain to the maintenance of the TVPRA List.

Where applicable, information submitted should indicate its source or sources and copies of the source material should be provided. If primary sources are utilized, such as research studies, interviews, direct observations, or other sources of quantitative or qualitative data, details on the research or data-gathering methodology should be provided.

(Authority: 22 U.S.C. 7112(b)(2)(C))

Signed at Washington, DC, this 3rd day of September, 2024.

Thea Mei Lee,

Deputy Undersecretary for International Affairs.

[FR Doc. 2024-20153 Filed 9-4-24; 8:45 am]

BILLING CODE 4510-28-P

DEPARTMENT OF LABOR**Occupational Safety and Health Administration**

[Docket No. OSHA–2011–0027]

Respiratory Protection Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.**ACTION:** Request for public comments.**SUMMARY:** OSHA solicits public comments concerning the proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Respiratory Protection Standard.**DATES:** Comments must be submitted (postmarked, sent, or received) by November 5, 2024.**ADDRESSES:**

Electronically: You may submit comments and attachments electronically at <https://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Docket: To read or download comments or other material in the docket, go to <https://www.regulations.gov>. Documents in the docket are listed in the <https://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the websites. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Instructions: All submissions must include the agency name and OSHA docket number (OSHA–2011–0027) for the Information Collection Request (ICR). OSHA will place all comments, including any personal information, in the public docket, which may be made available online. Therefore, OSHA cautions interested parties about submitting personal information such as social security numbers and birthdates.

For further information on submitting comments, see the “Public Participation” heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Seleda Perryman, Directorate of

Standards and Guidance, OSHA, U.S. Department of Labor; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:**I. Background**

The Department of Labor, as part of the continuing effort to reduce paperwork and respondent (*i.e.*, employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, the collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of effort in obtaining information (29 U.S.C. 657).

The following sections describe who uses the information collected under each requirement, as well as how they use it. The purpose of these requirements is to provide protection for the health of workers exposed to airborne contaminants, physical hazards, and biological agents.

The Respiratory Protection Standard (29 CFR 1910.134; hereafter, “the Standard”) contains information collection requirements that require employers to: develop a written respirator program; conduct worker medical evaluations and provide follow-up medical evaluations to determine the worker's ability to use a respirator; provide the physician or other licensed healthcare professional with information about the worker's respirator and the conditions under which the worker will use the respirator; and administer fit tests for workers who will use negative- or positive-pressure, tight-fitting facepieces. In addition, employers must ensure that workers store emergency-use respirators in compartments clearly marked as containing emergency-use respirators. For respirators maintained

for emergency use, employers must label or tag the respirator with a certificate stating the date of the inspection, the name of the individual who did the inspection, the findings of the inspection, required remedial action, and the identity of the respirator.

The Standard also requires employers to ensure that cylinders used to supply breathing air to respirators have a certificate of analysis from the supplier stating that the breathing air meets the requirements for Type 1—Grade D breathing air; such certification assures employers that the purchased breathing air is safe. Compressors used to supply breathing air to respirators must have a tag containing the most recent change date and the signature of the individual authorized by the employer to perform the change. Employers must maintain this tag at the compressor. These tags provide assurance that the compressors are functioning properly.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the agency's functions to protect workers, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information, and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend the approval of the information collection requirements contained in the Respiratory Protection Standard. The agency is requesting an adjustment increase in burden from 8,400,365 to 8,502,430 hours, a difference of 102,065 hours. This increase is due to an increase in the number of employers using respirators that are covered by the Standard. Also, the agency is requesting an increase in cost of \$8,352,662 going from \$406,397,822 to \$416,350,792.

OSHA will summarize the comments submitted in response to this notice and will include this summary in the request to OMB to extend the approval of the information collection requirements.

Type of Review: Extension of a currently approved collection.

Title: Respiratory Protection Standard.

OMB Control Number: 1218-0099.

Affected Public: Business or other for-profits.

Number of Respondents: 733,538.

Number of Responses: 28,796,953.

Frequency of Responses: On occasion.

Average Time per Response: Varies.

Estimated Total Burden Hours: 8,502,430.

Estimated Cost (Operation and Maintenance): \$416,350,792.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) electronically at <https://www.regulations.gov>, which is the Federal eRulemaking Portal; or (2) by facsimile (fax), if your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693-1648. All comments, attachments, and other material must identify the agency name and the OSHA docket number for the ICR (Docket No. OSHA-2011-0027). You may supplement electronic submission by uploading document files electronically.

Comments and submissions are posted without change at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the <https://www.regulations.gov> index, some information (e.g., copyrighted material) is not publicly available to read or download from this website. All submission, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the <https://www.regulations.gov> website to submit comments and access the docket is available at the website's "User Tips" link.

Contact the OSHA Docket Office at (202) 693-2350, (TTY) (877) 889-5627 for information about materials not available from the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 8-2020 (85 FR 58393).

Signed at Washington, DC, on August 29, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024-20044 Filed 9-5-24; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs.

Agency Information Collection Activities; Comment Request; Authorization for Release of Medical Information for Black Lung Benefits (CM-936)

AGENCY: Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, "Authorization for Release of Medical Information for Black Lung Benefits (CM-936)". This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by November 5, 2024.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free by contacting Anjanette Suggs by telephone at 202-354-9660 or by email at suggs.anjanette@dol.gov.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Office of Workers' Compensation Programs, Room S3323, 200 Constitution Avenue NW, Washington, DC 20210; by email: suggs.anjanette@dol.gov.

FOR FURTHER INFORMATION CONTACT:

Contact Anjanette Suggs by telephone at 202-354-9660 or by email at suggs.anjanette@dol.gov.

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to

comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

The Black Lung Benefits Act, as amended, 30 U.S.C. 901 *et seq.*, and 20 CFR 725.405 require that all relevant medical evidence be considered before a decision can be made regarding a claimant's eligibility for benefits. By signing the CM-936 form, the claimant authorizes physicians, hospitals, medical facilities or organizations, and the National Institute for Occupational Safety and Health to release medical information about the miner to the Department of Labor's Office of Workers' Compensation Programs. The form contains information required by medical institutions and private physicians to enable them to release pertinent medical information. This information collection is currently approved for use through March 31, 2025.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Written comments will receive consideration, and summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention 1240-0034.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the

use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL—Office of Workers' Compensation Programs, DCMWC.

Type of Review: Extension of a currently approved collection.

Title of Collection: Authorization for Release of Medical Information for Black Lung Benefits.

Form: CM–936, Authorization for Release of Medical Information for Black Lung Benefits.

OMB Control Number: 1240–0034.

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

Estimated Number of Respondents: 5,990.

Frequency: On Occasion.

Total Estimated Annual Responses: 5,990.

Estimated Average Time per Response: 20 minutes.

Estimated Total Annual Burden

Hours: 1,995 hours.

Total Estimated Annual Other Cost Burden: \$0.

Authority: 44 U.S.C. 3506(c)(2)(A).

Anjanette Suggs,

Agency Clearance Officer.

[FR Doc. 2024–20046 Filed 9–5–24; 8:45 am]

BILLING CODE 4510–CK–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Integrative Activities; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Integrative Activities (#1373) (Virtual Meeting).

Date and Time: September 30, 2024; 1:00 p.m.–5:00 p.m. (EDT).

Place: National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314 | Virtual.

Registration for the virtual meeting can be accessed via the following link: <https://nsf.zoomgov.com/meeting/register/vJlsc-GurD4sGuCVBvu5uDHP2j4VyC2tIvo>.

Type of Meeting: Open.

Contact Person: Dr. Ashley Pierce, Staff Associate, Office of Integrative Activities, Office of the Director, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; (Email: apierce@nsf.gov; Telephone: (703) 292–4493).

Summary of Minutes: May be obtained from the advisory committee website at: <https://new.nsf.gov/od/oia/advisory-committee>.

Purpose of Meeting: To provide advice and recommendations about public engagement with science.

Agenda

September 30, 2024

1:00 p.m.–1:10 p.m. Welcoming Remarks

1:10 p.m.–5:00 p.m. Introduction and advisory committee purpose, discussion of public engagement with science, and planning future advisory committee activities.

5:00 p.m. Adjourn

Dated: August 30, 2024.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2024–20063 Filed 9–5–24; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–440; NRC–2023–0136]

Energy Harbor Corp.; Energy Harbor Generation LLC.; Energy Harbor Nuclear Corp.; Perry Nuclear Power Plant, Unit 1; Draft Supplemental Environmental Impact Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Public meeting and request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft Supplement 61, to the Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants, NUREG–1437, regarding the proposed renewal of Renewed Facility Operating License No. NPF–58 for an additional 20 years of operation for Perry Nuclear Power Plant, Unit 1 (Perry Plant). Perry Plant is located in Perry, Ohio, approximately 35 miles northeast of Cleveland, OH. Possible alternatives to the proposed action of license renewal include no action and reasonable replacement power alternatives.

DATES: The staff will hold two virtual public meetings through online webinar and teleconference call on the draft supplemental environmental impact statement, including a presentation on the preliminary findings and a transcribed public comment session. The meetings will be held on October 1, 2024, at 1 p.m. eastern time (ET) and October 2, 2024, at 6 p.m. ET. The public

meeting details can be found on the NRC's Public Meeting Schedule at <https://www.nrc.gov/pmns/mtg>. Members of the public are invited to submit comments by October 21, 2024. Comments received after that date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before that date.

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

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2023–0136. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Email:* Comments may be submitted to the NRC electronically using the email address PerryEnvironmental@nrc.gov.

- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

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

FOR FURTHER INFORMATION CONTACT: Lance Rakovan, Senior Environmental Project Manager, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2589; email: Lance.Rakovan@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2023–0136 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this action using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2023–0136.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly

available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. Draft Supplement 61, to the GEIS for License Renewal of Nuclear Plants, NUREG-1437, is available in ADAMS under Accession No. ML24241A256.

- *NRC's PDR*: The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. ET, Monday through Friday, except Federal holidays.

- *Public Library*: A copy of the Draft Supplement 61, to the GEIS for License Renewal of Nuclear Plants, NUREG-1437, regarding the proposed renewal of Renewed Facility Operating License No NPF-58, for an additional 20 years of operation for Perry Plant, will be available for public review at the Perry Public Library, 3753 Main St, Perry, OH 44081.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2023-0136 in your comment submission.

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

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

II. Discussion

The NRC is issuing for public comment draft Supplement 61 to the GEIS for License Renewal of Nuclear Plants, NUREG-1437, regarding the proposed renewal of Renewed Facility Operating License No. NPF-58, for an additional 20 years of operation for Perry Plant. Draft site-specific Supplement 61 to the GEIS includes the preliminary analysis that evaluates the environmental impacts of the proposed action and alternatives to the proposed action. The NRC staff's preliminary recommendation is that the adverse environmental impacts of license renewal for Perry Plant are not so great that preserving the option of license renewal for energy-planning decisionmakers would be unreasonable.

Dated: September 3, 2024.

For the Nuclear Regulatory Commission.

Melissa Ralph,

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

[FR Doc. 2024-20080 Filed 9-5-24; 8:45 am]

BILLING CODE 7590-01-P

OFFICE OF PERSONNEL MANAGEMENT

Privacy Act of 1974; System of Records

AGENCY: U.S. Office of Personnel Management, Healthcare and Insurance.

ACTION: Notice of modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Office of Personnel Management (OPM) proposes to modify the current system of records titled "OPM/Central-23 FEHB Program Enrollment Records." This system of records contains information about enrollees and their family members, who are or have been covered under the Federal Employees Health Benefits (FEHB) Program. The modification is necessary to add categories of records and record source categories to the system of records based upon information exchange necessary to implement the Postal Service Health Benefits (PSHB) Program and meet requirements under the Postal Service Reform Act of 2022 (PSRA). The modification is also necessary to clarify in the Purposes section that references in the system of records to the "FEHB Program" or "FEHB" will encompass the PSHB Program, a separate program within the FEHB Program. In addition, OPM is taking this opportunity to clarify two existing routine uses and make a

technical correction to the Administrative, Technical, and Physical Safeguards section. We have also updated the policies and practices for retention and disposal of records to reflect that a new schedule that will incorporate Postal Service records is currently under review by the National Archives and Records Administration (NARA).

DATES: Please submit comments on or before October 7, 2024. This new system is effective upon today's publication in the **Federal Register**, with the exception of new or modified routine uses, which are effective October 11, 2024.

ADDRESSES: You may submit written comments by one of the following methods:

- *Federal Rulemaking Portal*: <https://www.regulations.gov>. Follow the instructions for submitting comments. All submissions received must include the agency name and docket number 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 at <https://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

- *Mail*: Padma Babubhai Shah, Senior Policy Analyst, Healthcare and Insurance, Office of Personnel Management, Suite 3468, 1900 E Street NW, Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: For general questions, please contact Padma Babubhai Shah, Senior Policy Analyst, 202-606-4056. For privacy questions, please contact Kirsten J. Moncada, Senior Agency Official for Privacy, privacy@opm.gov.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Office of Personnel Management proposes to modify a system of records titled "OPM/Central-23, FEHB Program Enrollment Records." This system of records supports OPM's administration of the Federal Employees Health Benefits (FEHB) Program and contains information about enrollees and their family members, who are or have been covered under the FEHB Program. The records are used for business processes related to eligibility verification, enrollment transactions, enrollment reconciliation, and premium collection; and to support the evaluation of the effectiveness of the FEHB Program through statistical analysis, policy planning, and reporting. To effectuate these purposes, OPM also uses contracts and interagency agreements.

Established in 1960 through the Federal Employees Health Benefits Act of 1959, 5 U.S.C. 8901 *et seq.*, the FEHB Program is the largest employer-sponsored group health insurance program in the world, covering over 8 million individuals. Covered individuals, as defined in 5 CFR 890.101, include employees of the Federal government, annuitants, members of their families, former spouses, and miscellaneous groups, enumerated in 5 U.S.C. 8901; United States Postal Service employees and annuitants, pursuant to 39 U.S.C. 1005; tribal employees, pursuant to 25 U.S.C. 1647b; and separated employees and former dependents who are eligible for Temporary Continuation of Coverage under 5 U.S.C. 8905a.

Section 101 of the Postal Service Reform Act of 2022 (PSRA) added new section 8903c to chapter 89 of title 5, United States Code. The statute directs OPM to establish the Postal Service Health Benefits (PSHB) Program as a new, separate program within the FEHB Program. Beginning in 2025, Postal Service employees, Postal Service annuitants, and their eligible family members will obtain health benefits coverage through PSHB plans. Accordingly, OPM proposes to modify the Purpose section of this system of records notice to indicate that references to the “FEHB Program” or “FEHB” (*e.g.*, FEHB enrollment code) include the “PSHB Program” or “PSHB.” Administrative actions associated with the launch of the PSHB Program will be required prior to January 1, 2025. For this reason, upon the effective date of this notice, references to the “FEHB Program” or “FEHB” will include the “PSHB Program” or “PSHB.”

As part of implementing the PSHB Program, OPM will be required to exchange information with other federal agencies to determine whether certain Postal Service annuitants and their family members are subject to the requirement that they enroll in Medicare Part B to enroll or continue enrollment in a PSHB plan and, if so, whether they can establish one of the exceptions to this requirement. These requirements necessitate the addition of categories of records and record source categories to this system of records.

Accordingly, OPM proposes to modify this system of records to add two categories of records: “gg. Information related to enrollment in health care benefits provided by the Department of Veterans Affairs” and “hh. Information related to eligibility for health services from the Indian Health Service.” These record categories are being added because the information in both

categories may be collected to establish whether certain Postal Service annuitants and their family members can establish an exception to the Medicare Part B enrollment requirement in order to enroll or continue enrollment in a PSHB plan. In addition, OPM proposes to modify this system of records to expand record source categories to include the Social Security Administration and other federal agencies as information from other agencies may need to be collected to establish the eligibility of Postal Service employees, annuitants, and their family members to enroll or continue enrollment in a PSHB plan.

A technical correction has been made to the “ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS” section. Specifically, this section now clarifies that OPM security measures are in compliance with the both the Federal Information Security Modernization Act of 2002 and the Federal Information Security Modernization Act of 2014, which amended the 2002 law. Previously, there was a citation only to the 2014 law. Additionally, previous routine uses (a) and (b) have been revised to more clearly describe the disclosures covered—the disclosures covered by previous routine use (a) will now be covered in routine uses (a) and (b); the disclosures covered by previous routine use (b) will now be covered in routine use (c). The original routine uses will receive a new letter designation to accommodate this change.

The policies and practices for retention and disposal of records have been updated to reflect that a new schedule that will incorporate Postal Service records is currently under review.

In accordance with 5 U.S.C. 552a(r), OPM has provided a report of this modified system of records to the Office of Management and Budget and to Congress. This modified system of records will be included in OPM’s inventory of record systems.

U.S. Office of Personnel Management.

Stephen D. Hickman,
Federal Register Liaison.

SYSTEM NAME AND NUMBER:

FEHB Program Enrollment Records,
OPM/Central-23

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Healthcare and Insurance, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415, is responsible for this system of records.

The records are maintained at OPM’s data center in Macon, Georgia, and through an interagency agreement with the U.S. Department of Agriculture’s National Finance Center in New Orleans, Louisiana.

SYSTEM MANAGER(S):

Associate Director, Healthcare and Insurance, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. chapter 89, Health Insurance; 25 U.S.C. 1647b, (Tribal) Access to Federal Insurance; 39 U.S.C. 1005, Applicability of Laws Relating to Federal Employees; and 5 CFR part 890.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system of records is to support the administration of the Federal Employees Health Benefits (FEHB) Program, including business processes related to eligibility verification, enrollment transactions, enrollment reconciliation, and premium collection; and to support the evaluation of the effectiveness of the FEHB Program through auditing, statistical analysis, policy planning, and reporting. To effectuate these purposes, OPM also uses contracts and interagency agreements. References to the “FEHB Program” or “FEHB” encompass the Postal Service Health Benefits Program (“PSHB Program” or “PSHB”), a separate program within the FEHB Program.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enrollees (defined in 5 CFR 890.101) and their family members, who are or have been covered under the FEHB Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

- a. Full name, including any former names;
- b. Social Security number, or other current or previous unique identification number(s);
- c. Date of birth;
- d. Date of death;
- e. Sex;
- f. Relationship code of any covered family member(s) to enrollee;
- g. Mailing address;
- h. Indicator for non-deliverable mailing address;
- i. Date mailing address information was last processed;
- j. Marital status;
- k. Email address;
- l. Enrollee’s employment status;
- m. Enrollee’s employing office, including name and Personnel Office Identifier;

- n. Enrollee's payroll office number;
- o. Event code indicating the qualifying life event which permitted enrollment, a change in enrollment, or enrollment cancellation;
- p. Transaction code indicating the most recent action that resulted in the creation or change of enrollment;
- q. Date enrollment record was processed;
- r. FEHB enrollment code, indicating plan, plan option, and enrollment type (Self Only, Self Plus One, or Self and Family);
- s. Group insurance account identifier;
- t. Effective date of FEHB coverage and any change in coverage;
- u. Agency payroll office effective date;
- v. Agency payroll office enrollment match code;
- w. Code indicating the reason a family member's eligibility became effective;
- x. End date of FEHB coverage, including possible 31-day extension;
- y. Reason code for FEHB coverage termination;
- z. Retirement claim number;
- aa. Date employee retired;
- bb. Date enrollee is reemployed by the Federal government;
- cc. Medicare status, forms of Medicare coverage, and Medicare Beneficiary Identifier (formerly Medicare Claim Number);
- dd. Other insurance, including name and policy number;
- ee. Information related to tribal bank accounts in which FEHB premiums are maintained for monthly withdrawal;
- ff. Information necessary to verify family member eligibility, including but not limited to marriage certificates, birth certificates, and other information as set forth in OPM guidance;
- gg. Information related to enrollment in health care benefits provided by the Department of Veterans Affairs; and
- hh. Information related to eligibility for health services from the Indian Health Service.

RECORD SOURCE CATEGORIES:

Records are obtained from employing agencies and retirement systems, FEHB Carriers, shared service centers, the Centers for Medicare & Medicaid Services, the Social Security Administration and other federal agencies, Official Personnel Folders, retirement records and indirectly from individuals who participate in the FEHB Program. Note: With the establishment of this SORN, although enrollment records may continue to be maintained in other systems of records, Central-23 becomes the official, first line source for enrollment records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside OPM as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

- a. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body, when OPM or another agency representing OPM determines that the records are relevant and necessary to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.
- b. To the Department of Justice when (a) OPM, or any component thereof; (b) any OPM employee in their official capacity; (c) any OPM employee in their individual capacity where the Department of Justice has agreed to represent the employee; or (d) the United States, where OPM determines that litigation is likely to affect OPM or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by OPM to be relevant and necessary to the litigation.
- c. Where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant records may be referred to the appropriate federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law.
- d. To a member of Congress from the record of an individual in response to an inquiry made at the request of the individual to whom the record pertains.
- e. To the National Archives and Records Administration (NARA) for records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.
- f. To appropriate agencies, entities, and persons when (1) OPM suspects or has confirmed that there has been a breach of the system of records, (2) OPM has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, OPM (including its information systems, programs, and operations), the Federal Government, or national security; and

(3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with OPM's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

g. To another Federal agency or Federal entity, when OPM determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

h. To contractors, grantees, experts, consultants, or volunteers performing or working on a contract, service, grant, cooperative agreement, or other assignment for OPM when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to OPM employees.

i. To employing offices, shared service centers, and FEHB Carriers, information necessary to identify, reconcile, and audit enrollment in a plan; to verify eligibility for or coverage under the FEHB Program; to verify eligibility for payment of a claim for health benefits; and to carry out coordination of benefits.

j. To any source, including employing offices, from which additional information is requested relevant to OPM determination on an individual's eligibility for or enrollment in the FEHB Program, to the extent necessary to identify the individual and the type of information requested.

k. To an official of another Federal agency, information needed in the performance of official duties related to reconciling or reconstructing data files; compiling descriptive statistics; and/or making analytical studies to support the function for which the records were collected and maintained.

l. To a spouse or dependent child (or court-appointed guardian thereof) of an FEHB enrollee whether the enrollee has made enrollment changes, including changing FEHB plans; cancelling or suspending FEHB enrollment; and changing from a Self and Family to a Self Plus One or Self Only health benefits enrollment, or from a Self Plus One to Self Only health benefits enrollment.

m. To provide an official of another Federal agency information needed in the performance of official duties related to Federal employee health benefits counseling, customer service, or operational readiness.

n. To the following recipients, information needed to conduct an analytical study of benefits being paid under the FEHB Program or the recipient's benefits program(s): Federal, State, or local agencies.

o. To the following recipients, information needed to adjudicate a claim for benefits under the FEHB Program or the recipient's benefits program(s): Federal, State, or local agencies.

p. To another Federal or non-Federal entity, information needed to verify enrollment information through the use of computer matching agreements under the Privacy Act of 1974, as amended (5 U.S.C. 552a).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

These records in this system of records are stored electronically on OPM's servers hosted at an OPM data center and at the U.S. Department of Agriculture's National Finance Center. Access to the electronic systems is restricted to authorized users with a need to know.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

These records in this system of records are retrieved primarily by name and Social Security number but may be retrieved by any personal identifier.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The current records retention schedule, which covers health benefit enrollments, is numbered DAA-0478-2017-0006. A new schedule, which will also include PSHB records, is currently under review by NARA and will supersede the existing schedule. Until that occurs, all records not governed by DAA-0478-2017-0006 will be treated as permanent.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records in this system are protected from unauthorized access and misuse through various administrative, technical, and physical security measures. OPM security measures are in compliance with the Federal Information Security Modernization Act of 2002, as amended by the Federal Information Security Modernization Act of 2014, associated OMB policies, and applicable standards and guidance from

the National Institute of Standards and Technology (NIST).

RECORD ACCESS PROCEDURES:

Individuals seeking notification of and access to their records in this system of records may do so by submitting a request in writing to the Office of Personnel Management, Office of the Executive Secretariat, Privacy, and Information Management—FOIA, 1900 E Street NW, Washington, DC 20415-7900 or by emailing foia@opm.gov; ATTN: Healthcare and Insurance. Individuals must furnish the following information for their records to be located:

1. Full name, including any former name.
2. Date of birth.
3. Social Security Number.
4. Name and address of employing agency or retirement system.
5. Reasonable specification of the requested information.
6. The address to which the information should be sent.
7. Signature.

Individuals requesting access must also comply with OPM's Privacy Act regulations regarding verification of identity and access to records (5 CFR part 297).

Enrollees who request access to their records will have access to the entirety of their record, to include information about all covered individuals who are part of their enrollment record. Family members of the enrollee who request access to their records have access only to their own information and not to that of the enrollee or other covered family members.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of records about them may do so by writing to the Office of Personnel Management, Office of the Executive Secretariat, Privacy, and Information Management—FOIA, 1900 E Street NW, Washington, DC 20415-7900 or by emailing foia@opm.gov; ATTN: Healthcare and Insurance. Requests for amendment of records should include the words "PRIVACY ACT AMENDMENT REQUEST" in capital letters at the top of the request letter; if emailed include those words in the subject line. Individuals must furnish the following information for their records to be located:

1. Full name, including any former name, and address.
2. Date of birth.
3. Social Security Number.
4. Name and address of employing agency or retirement system.
5. Precise identification of the information to be amended.

6. Signature.

Individuals requesting amendment must also comply with OPM's Privacy Act regulations regarding verification of identity and access to records (5 CFR part 297).

OPM may refer amendment requests to employing agencies, retirement systems, and FEHB Carriers because they may be the ultimate source of FEHB enrollment records.

NOTIFICATION PROCEDURES:

See "Record Access Procedure."

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

OPM/Central-23, "FEHB Program Enrollment Records, 86 FR 6377 (January 21, 2021), 87 FR 5874 (February 2, 2022)."

[FR Doc. 2024-20061 Filed 9-5-24; 8:45 am]

BILLING CODE 6325-67-P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2024-597 and CP2024-605; MC2024-598 and CP2024-606; MC2024-599 and CP2024-607; MC2024-600 and CP2024-608; MC2024-601 and CP2024-609; MC2024-602 and CP2024-610]

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:* September 10, 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
- II. Docketed Proceeding(s)

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)*.: MC2024–597 and CP2024–605; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 281 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 30, 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*: September 10, 2024.

2. *Docket No(s)*.: MC2024–598 and CP2024–606; *Filing Title*: USPS Request

to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 282 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 30, 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*: September 10, 2024.

3. *Docket No(s)*.: MC2024–599 and CP2024–607; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 283 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 30, 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*: September 10, 2024.

4. *Docket No(s)*.: MC2024–600 and CP2024–608; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 325 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 30, 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*: September 10, 2024.

5. *Docket No(s)*.: MC2024–601 and CP2024–609; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 326 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 30, 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*: September 10, 2024.

6. *Docket No(s)*.: MC2024–602 and CP2024–610; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 284 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 30, 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*: September 10, 2024.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2024–20103 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 22, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 315 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–550, CP2024–558.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–20038 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 28, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 270 to Competitive Product List*. Documents

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).

are available at www.prc.gov, Docket Nos. MC2024–580, CP2024–588.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20013 Filed 9–5–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 22, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 311 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–535, CP2024–543.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20034 Filed 9–5–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby

gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 28, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 271 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–581, CP2024–589.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20014 Filed 9–5–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 30, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 282 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–598, CP2024–606.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20055 Filed 9–5–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service

Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 28, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 268 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–577, CP2024–585.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20011 Filed 9–5–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 22, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 310 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–534, CP2024–542.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20033 Filed 9–5–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 26, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 255 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-563, CP2024-571.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024-20023 Filed 9-5-24; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 27, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 260 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-567, CP2024-575.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024-20028 Filed 9-5-24; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 29, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 276 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-589, CP2024-597.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024-20019 Filed 9-5-24; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 26, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 318 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2024-561, CP2024-569.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024-20041 Filed 9-5-24; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 27, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 261 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-569, CP2024-577.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024-20029 Filed 9-5-24; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 29, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 278 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–593, CP2024–601.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20021 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 29, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 275 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–588, CP2024–596.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20018 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a

domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 27, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 262 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–571, CP2024–579.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20030 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 22, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 313 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–548, CP2024–556.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20036 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 28, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 321 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–585, CP2024–593.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20004 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 28, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 267 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2024–576, CP2024–584.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20010 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 27, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 263 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–572, CP2024–580.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20031 Filed 9–5–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby

gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 319 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–570, CP2024–578.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20042 Filed 9–5–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 27, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 259 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–568, CP2024–576.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20027 Filed 9–5–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service

Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 29, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 274 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–587, CP2024–595.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20017 Filed 9–5–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 28, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 272 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–584, CP2024–592.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20015 Filed 9–5–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 27, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 312 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-559, CP2024-567.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024-20035 Filed 9-5-24; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 27, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 317 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-560, CP2024-568.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024-20040 Filed 9-5-24; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 29, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 273 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-586, CP2024-594.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024-20016 Filed 9-5-24; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 28, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 320 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2024-578, CP2024-586.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024-20003 Filed 9-5-24; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 29, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 279 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-594, CP2024-602.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024-20022 Filed 9-5-24; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 26, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 256 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–564, CP2024–572.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20024 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 26, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 247 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–552, CP2024–560.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–19991 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a

domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 28, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 269 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–579, CP2024–587.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20012 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 30, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 281 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–597, CP2024–605.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20054 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 29, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 323 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–591, CP2024–599.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20006 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 26, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 258 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2024–566, CP2024–574.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20026 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 30, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 284 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–602, CP2024–610.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20057 Filed 9–5–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 27, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 264 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–573, CP2024–581.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20007 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 22, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 309 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–533, CP2024–541.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20032 Filed 9–5–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

International Product Change—Priority Mail Express International, Priority Mail International & First-Class Package International Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a Priority Mail Express International, Priority Mail

International & First-Class Package International Service contract to the list of Negotiated Service Agreements in the Competitive Product List in the Mail Classification Schedule.

DATES: *Date of notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, (202) 268–7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 29, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 44 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–582 and CP2024–590.

Colleen Hibbert-Kapler,
Attorney, Ethics and Legal Compliance.
[FR Doc. 2024–20065 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 29, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 322 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–590, CP2024–598.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–20005 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.**FOR FURTHER INFORMATION CONTACT:** Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 22, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 316 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–551, CP2024–559.

Sean Robinson,*Attorney, Corporate and Postal Business Law.*

[FR Doc. 2024–20039 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P**POSTAL SERVICE****Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.**FOR FURTHER INFORMATION CONTACT:** Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 23, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 235 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2024–536, CP2024–544.

Sean C. Robinson,*Attorney, Corporate and Postal Business Law.*

[FR Doc. 2024–19979 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P**POSTAL SERVICE****Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.**FOR FURTHER INFORMATION CONTACT:** Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 26, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 257 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–565, CP2024–573.

Sean C. Robinson,*Attorney, Corporate and Postal Business Law.*

[FR Doc. 2024–20025 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P**POSTAL SERVICE****Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.**FOR FURTHER INFORMATION CONTACT:** Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 28, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 265 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–574, CP2024–582.

Sean C. Robinson,*Attorney, Corporate and Postal Business Law.*

[FR Doc. 2024–20008 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P**POSTAL SERVICE****Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.**FOR FURTHER INFORMATION CONTACT:** Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 30, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 283 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–599, CP2024–607.

Sean C. Robinson,*Attorney, Corporate and Postal Business Law.*

[FR Doc. 2024–20056 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P**POSTAL SERVICE****Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to

the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 29, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 324 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-596, CP2024-604.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-20058 Filed 9-5-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 28, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 266 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-575, CP2024-583.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-20009 Filed 9-5-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 29, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 277 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-592, CP2024-600.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-20020 Filed 9-5-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 30, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 326 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2024-601, CP2024-609.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-20060 Filed 9-5-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 22, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 314 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-549, CP2024-557.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-20037 Filed 9-5-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C.

3642 and 3632(b)(3), on August 30, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 325 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–600, CP2024–608.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–20059 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule’s Competitive Products List.

DATES: *Date of required notice:* September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 29, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 280 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–595, CP2024–603.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–20053 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–822, OMB Control No. 3235–0777]

Submission for OMB Review; Comment Request; Extension: Rules 15Fi–3 through 15Fi–5

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

(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 extension of the previously approved collection of information discussed below.

Rules 15Fi–3 through 15Fi–5 (17 CFR 240.15Fi–3 through 240.15Fi–5) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) require registered security-based swap dealers (“SBS dealer”) and registered major security-based swap participants (“major SBS participant”) (each SBS dealer and each major SBS participant hereafter referred to as an “SBS Entity”) to apply specific risk mitigation techniques to portfolios of security-based swaps not submitted for clearing. Rules 15Fi–3 through 15Fi–5 impose a collection of information requirements on SBS Entities. Specifically, Rule 15Fi–3 requires SBS Entities to reconcile outstanding security-based swaps with applicable counterparties on a periodic basis. Rule 15Fi–4 requires SBS Entities to engage in certain forms of portfolio compression exercises with their counterparties, as appropriate. Rule 15Fi–5 requires SBS Entities to execute written security-based swap trading relationship documentation with each of its counterparties prior to, or contemporaneously with, executing a security-based swap transaction, and to periodically audit the policies and procedures governing such documentation.

Rules 15Fi–3 through 15Fi–5 have been promulgated pursuant to Section 15F(i)(2) of the Exchange Act, which requires that the Commission “adopt rules governing documentation standards for security-based swap dealers and major security-based swap participants.” Accordingly, the collections of information are at the heart of each of the underlying documentation requirements of the rules, such that not conducting them (or reducing the frequency of collection) would not be consistent with the statutory provisions. Moreover, the policies and procedures required to be established, maintained, and followed pursuant to Rules 15Fi–3 through 15Fi–5 are instrumental in focusing and assessing compliance with the underlying rules, consistent with how similar requirements are used in numerous other Commission rules. Thus, eliminating such collections (or reducing the frequency of collection) also would be inconsistent with the applicable statutory provisions and the intended effects of the rules.

The Commission estimated that approximately 53 entities may fit within

the definition of SBS dealer, and up to five entities may fit within the definition of major SBS participant. Thus, the Commission estimated that approximately 58 entities would be required to register with the Commission as SBS Entities and would be subject to Rules 15Fi–3 through 15Fi–5. Of the 58 entities that would be required to register with the Commission as SBS Entities, the Commission estimated that approximately 20 would be dually-registered with the Commodity Futures Trading Commission (“CFTC”) as swap dealers or major swap participants. As the Rules 15Fi–3 through 15Fi–5 are largely similar to those adopted by the CFTC, dually-registered entities may have procedures and systems in place to collect the information, thereby minimizing compliance burdens. The Commission estimated that the total annual industry burden under 15Fi–3 through 15Fi–5 is approximately 464,836 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 October 7, 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: September 3, 2024.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024–20133 Filed 9–5–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–480, OMB Control No. 3235–0537]

Submission for OMB Review; Comment Request; Extension: Regulation S–P

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 the privacy notice and opt out notice provisions of Regulation S-P—Privacy of Consumer Financial Information (17 CFR part 248, subpart A) under the Securities Exchange Act of 1934 (“Exchange Act”) (15 U.S.C. 78a *et seq.*).

The privacy notice and opt out notice provisions of Regulation S-P (the “Rule”) implement the privacy notice and opt out notice requirements of Title V of the Gramm-Leach-Bliley Act (“GLBA”), which requires that, at the time of establishing a customer relationship with a consumer and not less than annually during the continuation of such relationship, a financial institution shall provide a clear and conspicuous disclosure to such consumer of such financial institution’s policies and practices with respect to disclosing nonpublic personal information to affiliates and nonaffiliated third parties (“privacy notice”). Title V of the GLBA also provides that, unless an exception applies, a financial institution may not disclose nonpublic personal information of a consumer to a nonaffiliated third party unless the financial institution clearly and conspicuously discloses to the consumer that such information may be disclosed to such third party; the consumer is given the opportunity, before the time that such information is initially disclosed, to direct that such information not be disclosed to such third party; and the consumer is given an explanation of how the consumer can exercise that nondisclosure option (“opt out notice”). The Rule applies to broker-dealers, investment advisers registered with the Commission, and investment companies (“covered entities”).

Commission staff estimates that, as of April 1, 2024, the Rule’s information collection burden applies to approximately 32,707 covered entities (approximately 3,410 broker-dealers, 15,531 investment advisers registered with the Commission, and 13,766 investment companies). In view of (a) the minimal recordkeeping burden imposed by the Rule (since the Rule has no recordkeeping requirement and records relating to customer communications already must be made and retained pursuant to other SEC

rules); (b) the summary fashion in which information must be provided to customers in the privacy and opt out notices required by the Rule (the model privacy form adopted by the SEC and the other agencies in 2009, designed to serve as both a privacy notice and an opt out notice, is only two pages); (c) the availability to covered entities of the model privacy form and online model privacy form builder; and (d) the experience of covered entities’ staff with the notices, SEC staff estimates that covered entities will each spend an average of approximately 12 hours per year complying with the Rule, for a total of approximately 392,484 annual burden hours ($12 \times 32,707 = 392,484$). SEC staff understands that the vast majority of covered entities deliver their privacy and opt out notices with other communications such as account opening documents and account statements. Because the other communications are already delivered to consumers, adding a brief privacy and opt out notice should not result in added costs for processing or for postage and materials. Also, privacy and opt out notices may be delivered electronically to consumers who have agreed to electronic communications, which further reduces the costs of delivery. Because SEC staff assumes that most paper copies of privacy and opt out notices are combined with other required mailings, the burden-hour estimates above are based on resources required to integrate the privacy and opt notices into another mailing, rather than on the resources required to create and send a separate mailing. SEC staff estimates that, of the estimated 12 annual burden hours incurred, approximately 8 hours would be spent by administrative assistants at an hourly rate of \$90, and approximately 4 hours would be spent by internal counsel at an hourly rate of \$518, for a total annual internal cost of compliance of approximately \$2,792 for each of the covered entities ($8 \times \$90 = \720 ; $4 \times \$518 = \$2,072$; $\$720 + \$2,072 = \$2,792$). Hourly cost of compliance estimates for administrative assistant time are derived from the Securities Industry and Financial Markets Association’s *Office Salaries in the Securities Industry 2013*, modified by SEC staff to account for an 1,800-hour work-year and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead. Hourly cost of compliance estimates for internal counsel time are derived from the Securities Industry and Financial Markets Association’s *Management & Professional Earnings in the Securities Industry 2013*, modified by SEC staff to

account for an 1,800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead. Accordingly, SEC staff estimates that the total annual internal cost of compliance for the estimated total hour burden for the approximately 32,707 covered entities subject to the Rule is approximately \$91,371,944 ($\$2,792 \times 32,707 = \$91,371,944$).

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 October 7, 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: September 3, 2024.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024–20134 Filed 9–5–24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100884; File No. 10–242]

In the Matter of the Application of 24X National Exchange LLC for Registration as a National Securities Exchange; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Grant or Deny an Application for Registration as a National Securities Exchange Under Section 6 of the Securities Exchange Act of 1934

August 30, 2024.

On February 6, 2024, 24X National Exchange LLC (“24X”) filed with the Securities and Exchange Commission (“Commission”) a Form 1 application under the Securities Exchange Act of 1934 (“Act”) seeking registration as a national securities exchange under Section 6 of the Act.¹ Notice of the application was published for comment in the **Federal Register** on March 4,

¹ 15 U.S.C. 78f.

2024.² The Commission received comment letters on the Form 1 application and a letter from 24X responding to these comment letters.³ On May 31, 2024, the Commission instituted proceedings pursuant to Section 19(a)(1)(B) of the Act⁴ to determine whether to grant or deny 24X's application for registration as a national securities exchange under Section 6 of the Act (the "OIP").⁵ The Commission received comment letters in response to the OIP⁶ and a letter responding to the OIP and comments from 24X.⁷ On August 21, 2024, 24X filed an amendment to its Form 1 application ("Amendment No. 1") which revised Exhibits B, B-1, C, C-2, D, E, E-1 and N.⁸ Among other things, in Amendment No. 1, 24X proposes revisions to certain rules in Exhibit B relating to the operation of the 24X Market Session.⁹ In Amendment No. 1, 24X also proposes revisions to proposed Exhibits C, C-2, D (including Exhibits D-1 through D-4), E, E-1 and N to (1) provide more information about its intention to enter into a technology services agreement with MEMX Technologies, LLC ("MEMX Technologies"); (2) update the number of authorized ownership units for 24X

² See Securities Exchange Act Release No. 99614 (Feb. 27, 2024), 89 FR 15621 (Mar. 4, 2024) ("Notice").

³ The public comment file for 24X's Form 1 application (File No. 10-242) is available on the Commission's website at: <https://www.sec.gov/comments/10-242/10-242.htm>.

⁴ 15 U.S.C. 78s(a)(1)(B).

⁵ See Securities Exchange Act Release No. 100254 (May 31, 2024), 89 FR 48466 (June 6, 2024).

⁶ See *supra* note 3 and accompanying text.

⁷ See *id.*

⁸ See Securities Exchange Act Release No. 100839 (Aug. 27, 2024). Amendment No. 1 is available on the Commission's website at: <https://www.sec.gov/rules-regulations/other-commission-orders-notices-information/24x-form-1>.

⁹ See proposed 24X Rule 1.5(c), as amended by Amendment No. 1, defining the "24X Market Session" as "(i) the time between 8:00 p.m. and 4:00 a.m. Eastern Time, (ii) any time that falls on a Saturday or a Sunday Eastern Time, (iii) any time that falls on one of the following U.S. holidays: New Year's Day, Martin Luther King Jr. Day, Presidents' Day, Good Friday, Memorial Day, Juneteenth National Independence Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day Eastern Time, or such other U.S. holiday(s) as published by the Exchange from time to time; provided, however, it shall not include any trading pauses as described in Rule 11.15(c). For the avoidance of doubt, notwithstanding anything to the contrary in these Rules, the Exchange shall not commence operation of the 24X Market Session unless (1) the equity data national market system plans have established a mechanism to collect, consolidate and disseminate quotation and transaction information during the 24X Market Session, or (2) the Securities and Exchange Commission has provided exemptive or other relief from the requirements under Rule 601, 602 and such plans (or their successors) applicable to the 24X Market Session."

Bermuda Holdings LLC, the ultimate holding company for 24X; (3) provide updated financial information on 24X's affiliates; and (4) describe 24X's proposed compliance with Regulation Systems Compliance and Integrity, its arrangement with MEMX Technologies, and make other conforming changes to reflect Amendment No. 1.

Section 19(a)(1)(B) of the Act provides that proceedings instituted to determine whether to deny an application for registration as a national securities exchange shall be concluded within 180 days of the date of a publication of notice of the filing of the application for registration.¹⁰ At the conclusion of such proceedings, the Commission, by order, shall grant or deny such registration.¹¹ The Commission may extend the time for conclusion of such proceedings for up to 90 days if it finds good cause for such extension and publishes its reasons for so finding.¹² The Notice was published for comment in the **Federal Register** on March 4, 2024.¹³ The 180th day after publication of the Notice is August 31, 2024. The Commission is extending the time period for granting or denying 24X's application for registration as a national securities exchange for an additional 90 days.

The Commission finds good cause for extending the period for granting or denying 24X's application for registration as a national securities exchange because the extension will provide additional time for the Commission to assess whether 24X's Form 1 application, as amended, satisfies the requirements of the Act and the rules and regulations thereunder. As described in the Notice, 24X proposes to significantly expand trading outside of regular trading hours¹⁴ for NMS stocks by operating a national securities exchange 23 hours a day, seven days a week, 365 days a year, including holidays, subject to certain pauses.¹⁵ In addition, in Amendment No. 1, 24X significantly amended its application for registration as a national securities exchange as originally filed. Therefore, the Commission believes that there is good cause to extend the time for conclusion of the proceedings for 90 days. Accordingly, the Commission, pursuant to Section 19(a)(1)(B) of the Act,¹⁶ designates November 29, 2024, as

¹⁰ 15 U.S.C. 78s(a)(1)(B).

¹¹ *Id.*

¹² *Id.*

¹³ See *supra* note 2.

¹⁴ "Regular trading hours" is defined in Rule 600(b)(77) as "the time between 9:30 a.m. and 4:00 p.m. Eastern Time." 17 CFR 242.600(b)(88).

¹⁵ See proposed 24X Rule 11.1 (describing the hours of trading and trading days for 24X).

¹⁶ 15 U.S.C. 78s(a)(1)(B).

the date by which the Commission shall either grant or deny 24X's Form 1 application.

By the Commission.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024-19944 Filed 9-5-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35312; File No. 812-15532]

Jefferies Finance LLC, et al.

September 3, 2024.

AGENCY: Securities and Exchange Commission ("Commission" or "SEC").

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the "Act") and rule 17d-1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d-1 under the Act.

Summary of Application: Applicants request an order to amend a previous order granted by the Commission that permits certain business development companies and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

Applicants: Jefferies Finance LLC; Jefferies Credit Management LLC; Jefferies Credit Partners BDC Inc.; Jefferies Credit Partners LLC; Senior Credit Investments, LLC; Apex Credit Partners LLC; Apex Credit Holdings LLC; Apex Credit CLO 2018 Ltd.; Apex Credit CLO 2018-II Ltd.; Apex Credit CLO 2019 Ltd.; Apex Credit CLO 2019-II Ltd.; Apex Credit CLO 2020 Ltd.; Apex Credit CLO 2021 Ltd.; Apex Credit CLO 2022-I Ltd.; Apex Credit CLO 2022-II Ltd.; JFIN CLO 2017 Ltd.; JFIN CLO 2017-II Ltd.; JMP Credit Advisors CLO IV Ltd.; JMP Credit Advisors CLO V Ltd.; Apex Credit CLO 2020-II Ltd.; Apex Credit CLO 2021-2 Ltd.; Jefferies Direct Lending Fund LP; Jefferies Direct Lending Fund SPE LLC; Jefferies Direct Lending Offshore Fund LP; Jefferies Direct Lending Offshore Fund B LP; Jefferies Direct Lending Offshore Fund C LP; Jefferies Direct Lending Offshore Fund SPE LLC; Jefferies Direct Lending Offshore Fund C SPE LLC; Jefferies Senior Lending LLC; JCP Direct Lending CLO 2022 LLC; JCP Direct Lending CLO 2023 Ltd.; JCP Direct Lending CLO 2023-1 LLC; JCP Direct Lending CLO

2023–1 Ltd.; Jefferies Direct Lending Fund II LP; Jefferies Direct Lending Fund II D LP; Jefferies Direct Lending Offshore Fund II LP; Jefferies Direct Lending Offshore Fund II B LP; Jefferies Direct Lending Offshore Fund II C LP; Jefferies Direct Lending Offshore Fund II D LP; Jefferies Direct Lending Fund II SPE LLC; Jefferies Direct Lending Fund II C SPE LLC; Jefferies Direct Lending Offshore Fund II SPE LLC; Jefferies Direct Lending Offshore Fund II C SPE LLC; Jefferies Direct Lending Offshore Fund II D SPE LLC; Jefferies Direct Lending Europe SCSp SICAV–RAIF; JFIN Revolver CLO 2019 Ltd.; JFIN Revolver CLO 2019–II Ltd.; JFIN Revolver CLO 2020 Ltd.; JFIN Revolver Funding 2021 Ltd.; JFIN Revolver CLO 2021–II Ltd.; JFIN Revolver Funding 2021–III Ltd.; JFIN Revolver Funding 2021–IV Ltd.; JFIN Revolver CLO 2021–V Ltd.; JFIN Revolver Fund, L.P.; JFIN Revolver Funding 2022–I Ltd.; JFIN Revolver CLO 2022–II Ltd.; JFIN Revolver CLO 2022–II LLC; JFIN Revolver CLO 2022–III Ltd.; JFIN Revolver CLO 2022–III LLC; JFIN Revolver CLO 2022–IV Ltd.; JFIN Revolver CLO 2022–IV LLC; JFIN Revolver SPE4 2022 LLC; JFIN Revolver SPE4 2022 Ltd.; Massachusetts Mutual Life Insurance Company.

Filing Dates: The application was filed on December 8, 2023.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC’s Secretary at Secretaries-Office@sec.gov and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on September 30, 2024, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer’s interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission’s Secretary at Secretaries-Office@sec.gov.

ADDRESSES: The Commission: Secretaries-Office@sec.gov. Applicants: Adam Klepack, Jefferies Finance LLC; 520 Madison Avenue, New York, NY 10022; with copies to: Ryan P. Brizek;

Simpson Thacher & Bartlett LLP; 900 G Street NW, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Terri Jordan, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel’s Office).

SUPPLEMENTARY INFORMATION: For Applicants’ representations, legal analysis, and conditions, please refer to Applicants’ application, dated December 8, 2023, which may be obtained via the Commission’s website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC’s EDGAR system. The SEC’s EDGAR system may be searched at <https://www.sec.gov/edgar/searchedgar/legacy/companysearch.html>. You may also call the SEC’s Public Reference Room at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–20107 Filed 9–5–24; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before November 5, 2024.

ADDRESSES: Send all comments to Paul Kirwan, Financial Analyst, Office of Credit Risk Management, Small Business Administration.

FOR FURTHER INFORMATION CONTACT: Paul Kirwan, Financial Analyst, Office of Credit Risk Management, paul.kirwan@sba.gov, 202–205–7261, or Curtis B. Rich, Agency Clearance Officer 202–205–7030, curtis.rich@sba.gov.

SUPPLEMENTARY INFORMATION: The information collected is used by SBA to monitor the Agents, fees charged by

Agents, and the relationship between Agents and lenders. The information helps SBA to determine among other things whether borrowers are paying unnecessary, unreasonable or prohibitive fees.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

OMB Control Number: 3245–0201.

Title: “Compensation Agreement”.

Form Numbers: 159(7a), 159(504), 159D.

Annual Responses: 9,210.

Annual Burden: 1,385.

Curtis Rich,

Agency Clearance Officer.

[FR Doc. 2024–20075 Filed 9–5–24; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice: 12524]

U.S. Department of State Advisory Committee on Private International Law: Public meeting on the Convention on Choice of Courts Agreement, the Judgments Convention and the Singapore Convention

The Department of State’s Advisory Committee on Private International Law (ACPIL) will hold its next meeting at Texas A&M University School of Law in Fort Worth, Texas, on Thursday and Friday, October 24–25, 2024, in a hybrid format, from 9:00 a.m. to 4:00 p.m.

The meeting will focus on the *Convention of 30 June 2005 on Choice of Court Agreements* (“CoCA”), the *Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters* (“Judgments Convention”), and the *Convention on International Settlement Agreements Resulting from Mediation* (“Singapore Convention”). To briefly summarize each convention:

CoCA seeks to ensure the effectiveness of exclusive choice of court agreements (*i.e.*, forum selection clauses) between parties to international commercial transactions. It requires that (1) the chosen court must hear the case when proceedings are brought before it; (2) any other court before which proceedings are brought must refuse to hear them; and (3) the judgment of the chosen court must be recognized and enforced.

The *Judgments Convention* provides a set of global legal rules for the recognition and enforcement of foreign judgments involving international commercial transactions. It seeks to provide legal predictability and reduces the incidence of duplicative proceedings in multiple countries by allowing a judgment originating from one Contracting State to be enforced in another without the need to relitigate the merits of the claims.

The *Singapore Convention* establishes a harmonized legal framework to enforce international settlement agreements resulting from mediation and to prevent relitigating issues resolved by such agreements. It ensures that an international settlement resulting from mediation becomes binding and enforceable in Contracting States in accordance with a simplified and streamlined procedure.

We will be seeking input and guidance from attendees regarding efforts toward U.S. ratification of these conventions.

Prior to the meeting, we will circulate a draft agenda and additional documentation, such as draft proposed implementing legislation, to those confirming attendance.

Time and Place: The meeting will take place on Thursday and Friday, October 24–25, from 9 a.m. until 4 p.m. via a hybrid format at Texas A&M University School of Law, 1515 Commerce Street, Fort Worth, Texas 76102. Those who cannot participate in the meeting but wish to comment may do so by email to Joseph Khawam at pil@state.gov.

Participation: Those planning to attend the meeting should provide to pil@state.gov no later than September 30, 2024, the following information: name, affiliation, contact information, and whether attending in-person or virtually. Room information for in-person attendance and a Zoom link for virtual attendance will be provided following registration. Anyone needing reasonable accommodation should notify pil@state.gov not later than October 4, 2024. Requests made after that date will be considered but might not be able to be fulfilled.

Sarah E. Prosser,

Assistant Legal Adviser, Office of Private International Law Department of State.

[FR Doc. 2024–20151 Filed 9–5–24; 8:45 am]

BILLING CODE 4710–08–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36794]

Colorado Pacific San Luis Railroad LLC—Acquisition and Operation Exemption—San Luis Central Railroad Company

Colorado Pacific San Luis Railroad LLC (CXSL), a noncarrier, has filed a verified notice of exemption pursuant to 49 CFR 1150.31 to acquire and operate a line of railroad owned by the San Luis Central Railroad Company (SLC). The track extends 13 miles from milepost 2.0 at Sugar Junction, east of Monte Vista, Colo. (connecting at approximately milepost 269.0 of the main line of the Colorado Pacific Rio Grande Railroad, LLC), to the end of the track at milepost 15.0 near Center, Colo. (the Line). The Line comprises all of SLC's railroad system and assets. Upon this exemption becoming effective, CXSL will become a Class III rail carrier and assume all of SLC's common carrier obligations to service the customers located along the Line.

According to the verified notice, the owners of SLC and Soloviev Investors, LLC (Soloviev Investors) executed an Asset Purchase Agreement (APA) on July 26, 2024, whereby the track assets and certain other assets of SLC are to be sold to Soloviev Investors or "its permitted assignee." CXSL states that Soloviev Investors assigned all of its rights in the APA to CXSL on July 31, 2024.

The transaction may be consummated on or after September 22, 2024, the effective date of the exemption (30 days after the verified notice was filed).

This transaction is related to a concurrently filed petition for exemption in *Stefan Soloviev, Executor, the Estate of Sheldon H. Solow—Continuance in Control Exemption—Colorado Pacific San Luis Railroad*, Docket No. FD 36795, in which the Estate of Sheldon H. Solow (the Estate), a noncarrier, seeks to continue in control of CXSL upon CXSL becoming a Class III rail carrier.¹

CXSL certifies that its projected annual revenues will not exceed \$5 million and will not result in CXSL becoming a Class II or Class I rail carrier. CXSL also certifies that the APA

¹The Estate indicates that because the acquisition transaction may close prior to the Board's issuance of a decision on the Estate's continuance in control petition, the Estate will, if necessary, enter into a voting trust agreement pursuant to 49 CFR part 1013. See 49 CFR 1013.3(b) ("Any person who establishes an independent trust for the receipt of the voting stock of [a] carrier must file a copy of the trust, along with any auxiliary or modifying documents, with the Board.").

does not create any interchange commitments as that term is defined by 49 CFR 1150.33(h).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than September 13, 2024 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36794, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on CXSL's representative, Thomas W. Wilcox, Law Office of Thomas W. Wilcox, LLC, 1629 K Street NW, Suite 300, Washington, DC 20006.

According to CXSL, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at www.stb.gov.

Decided: September 3, 2024.

By the Board, Valerie O. Quinn, Acting Director, Office of Proceedings.

Kenyatta Clay,
Clearance Clerk.

[FR Doc. 2024–20147 Filed 9–5–24; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36781]

Riverside Rail, Inc.—Operation Exemption—Tracks of Riverside Industrial Complex, Inc., in Bucks County, Pa.

Riverside Rail, Inc. (Riverside), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate over approximately 4,665 feet of private railroad tracks located within a 68-acre industrial park known as the Riverside Industrial Complex (Complex) in Bristol Township, Bucks County, Pa. (the Tracks).¹ The Complex and the Tracks are owned by Riverside's

¹Riverside previously filed a verified notice of exemption to operate the Tracks in Docket No. FD 36761, but the notice was rejected for a number of reasons. See *Riverside Rail—Operation Exemption—Tracks of Riverside Indus. Complex in Bucks Cnty., Pa.*, FD 36761 (STB served Mar. 29, 2024). The verified notice filed in Docket No. FD 36781, however, provides sufficient information to proceed with Riverside's exemption.

corporate parent affiliate, Riverside Industrial Complex, Inc. (RIC), and are adjacent to lines of railroad owned by the National Railroad Passenger Corporation (Amtrak).

According to the verified notice, railroad service was provided to shippers within the Complex from 1986 to 2006 by Consolidated Railroad Corporation (Conrail) pursuant to operating rights over a spur track owned by Amtrak and approximately 100 feet of track owned and maintained by Conrail that crossed a public road. Per the verified notice, the Tracks, which are located solely within the Complex, have remained intact on the ground but have been covered in some areas with dirt and concrete. Riverside states that the expansion of existing business in the Complex in recent years and the potential for additional railroad customers locating there in the future have led Amtrak, Conrail, and RIC to negotiate a series of agreements to reestablish railroad service to the Complex. This is to be accomplished through (1) RIC and Riverside uncovering and rehabilitating the Tracks in coordination with Conrail; (2) Amtrak reconstructing the connecting spur track on its property, which is expected to be completed in September 2024; and (3) RIC reinstalling the road crossing, which is also anticipated to occur in September 2024. Upon consummation of its authority from the Board, Riverside will lease the Tracks from RIC and retain the common carrier obligation to provide rail operations over them. However, Riverside anticipates that initially, Conrail will be the physical operator of the Tracks pursuant to trackage or operating rights it obtains from Riverside under a separate agreement and any necessary authority Conrail receives from the Board. The verified notice states that rail operations by Conrail will consist primarily of switching railcars to and from shippers in the Complex and a point of connection to the tracks of Amtrak. Any future operations by

Riverside would be in interchange with Conrail on Complex property.

Riverside certifies that its annual projected revenues as a result of the transaction will not exceed those that would qualify it as a Class III carrier and will not exceed \$5 million. Riverside also states that neither its lease and operating agreement with RIC nor Riverside's and/or Conrail's proposed operation of the Tracks involve any provision or agreement that would limit future interchange with a third-party connecting carrier.

The earliest this transaction may be consummated is September 22, 2024, the effective date of the exemption.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than September 13, 2024 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36781, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Riverside's representative, Thomas W. Wilcox, Law Office of Thomas W. Wilcox, LLC, 1629 K Street NW, Suite 300, Washington, DC 20006.

According to Riverside, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at www.stb.gov.

Decided: September 3, 2024.

By the Board, Valerie O. Quinn, Acting Director, Office of Proceedings.

Eden Besera,
Clearance Clerk.

[FR Doc. 2024-20118 Filed 9-5-24; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one person that has been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of this persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them. OFAC is also publishing updates to the identifying information of three persons currently included on the SDN List. Additionally, OFAC is removing one entry from the SDN List to resolve duplicate entries of the same entity on the SDN List.

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Lisa M. Palluconi, Acting Director, tel.: 202-622-2490; Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Licensing, tel.: 202-622-2480; Assistant Director for Regulatory Affairs, tel.: 202-622-4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (<https://www.treasury.gov/ofac>).

Notice of OFAC Actions

A. On June 12, 2024, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following person are blocked under the relevant sanctions authorities listed below.

1. MOSCOW EXCHANGE (a.k.a. PUBLIC JOINT STOCK COMPANY MOSCOW EXCHANGE MICEX RTS (Cyrillic: ПУБЛИЧНОЕ АКЦИОНЕРНОЕ ОБЩЕСТВО МОСКОВСКАЯ БИРЖА ММББ-РТС); a.k.a. "MOEX"), 13, Bolshoy Kislovsky Lane, Moscow 125009, Russia; Website www.moex.com; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 1992; Target Type Financial Institution; Tax ID No. 7702077840 (Russia); Identification Number XNBBND.00005.ME.643 (Russia); Legal Entity Number 253400M18U5TB02TW421; Registration Number 1027739387411 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of Executive Order 14024 of April 15, 2021, "Blocking Property With Respect To Specified Harmful Foreign Activities of the Government of the Russian Federation," 86 FR 20249, 3 CFR, 2021 Comp., p. 542 (Apr. 15, 2021) (E.O. 14024) as amended by Executive Order 14114 of December 22, 2023, "Taking Additional Steps With Respect to the Russian Federation's Harmful Activities," 88 FR 89271 (Dec. 22, 2023) (E.O. 14114), for operating or having operated in the financial services sector of the Russian Federation economy.

B. On August 23, 2024, OFAC updated the entry on the SDN List for the following persons, whose property and interests in property subject to U.S. jurisdiction continues to be blocked under the relevant sanctions authority listed below.

1. KHIMTREID (a.k.a. LIMITED LIABILITY COMPANY HIMTREYD), Ul. Dekabristov D. 115, Pomesheh. 39, Kazan 420034, Russia; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Tax ID No. 1661034040 (Russia); Registration Number 1121690069082 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the transportation sector of the Russian Federation economy.

2. ROSTAR RESEARCH AND PRODUCTION ASSOCIATION LIMITED LIABILITY COMPANY (a.k.a. SCIENTIFIC AND PRODUCTION ASSOCIATION ROSTAR LLC), BSI, Ul. Dorozhnaya D. 39, Naberezhnyye Chelny 423800, Russia; Sh. Okruzhnoe D. 11B, Office 2, Yelabuga 423606, Russia; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Tax ID No. 1646012500 (Russia); Registration Number 1021606953070 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the transportation sector of the Russian Federation economy.

3. MOSCOW EXCHANGE (a.k.a. PUBLIC JOINT STOCK COMPANY MOSCOW EXCHANGE MICEX RTS (Cyrillic: ПУБЛИЧНОЕ АКЦИОНЕРНОЕ ОБЩЕСТВО МОСКОВСКАЯ БИРЖА ММВБ-РТС); a.k.a. "MOEX"), 13, Bolshoy Kislovsky Lane, Moscow 125009, Russia; Website www.moex.com; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 1992; Target Type Financial Institution; Tax ID No. 7702077840 (Russia); Identification Number XNBBND.00005.ME.643 (Russia); Legal Entity Number 253400M5M1222KPNWE87; Registration Number 1027739387411 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

- C. On August 23, 2024, to resolve duplicate entries of the same entity, OFAC removed the entry from the SDN List of the following person, whose property and interests in property subject to U.S. jurisdiction continues to be blocked under the relevant sanctions authority listed below.

1. JOINT STOCK COMPANY OMSKIY NAUCHNO ISSLEDOVATELSKIY INSTITUT PRIBOROSTROENIYA (a.k.a. "JSC ONIIP"), Ul. Maslennikova D. 231, Omsk 644009, Russia; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Target Type State-Owned Enterprise; Tax ID No. 5506218498 (Russia); Registration Number 1115543024574 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the manufacturing sector of the Russian Federation economy.

Dated: August 23, 2024.

Lisa M Palluconi,

Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2024-20139 Filed 9-5-24; 8:45 am]

BILLING CODE 4810-AL-P



FEDERAL REGISTER

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Part II

Department of Commerce

Bureau of Industry and Security

15 CFR Parts 736, 738, 740, et al.

Commerce Control List Additions and Revisions; Implementation of Controls on Advanced Technologies Consistent With Controls Implemented by International Partners; Final Rule

DEPARTMENT OF COMMERCE**Bureau of Industry and Security**

15 CFR Parts 736, 738, 740, 742, 743, 772, and 774

[Docket No. 240813–0217]

RIN 0694–AJ60

Commerce Control List Additions and Revisions; Implementation of Controls on Advanced Technologies Consistent With Controls Implemented by International Partners

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

ACTION: Interim final rule; request for comments.

SUMMARY: The Bureau of Industry and Security (BIS) is implementing export controls on several semiconductor, quantum, and additive manufacturing items for national security and foreign policy reasons. This rule adds new Export Control Classification Numbers (ECCNs) to the Commerce Control List, revises existing ECCNs, adds a new license exception to authorize exports and reexports to and by countries that have implemented equivalent technical controls for these newly added items, and adds two new worldwide license requirements to the national security and regional stability controls in the Export Administration Regulations (EAR). These controls are the product of extensive discussions with international partners.

DATES:

Effective date: This rule is effective September 6, 2024. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of September 6, 2024.

Compliance dates: Although this rule is effective on September 6, 2024, exporters, reexporters, and transferors of quantum items specified in ECCNs 3A901, 3A904, 3B904, 3C907, 3C908, 3C909, 3D901 (for 3A901.b, 3B904), 3E901 (for 3A901, 3A904, 3B904, 3C907, 3C908, 3C909), 4A906, 4D906, or 4E906 to destinations specified in Country Group A:1 in supplement no. 1 to part 740 are not required to comply with the license requirements in § 742.4(a)(5)(i) or § 742.6(a)(10)(i) of the EAR until November 5, 2024. If no compliance date is provided, then parties must comply with the requirements set forth in this rule as of the effective date of this rule.

Comment due date: Comments on revisions and additions in this rule, as well as comments responding to the

possibility of a different licensing policy or procedures for quantum deemed exports and reexports, must be received by BIS no later than November 5, 2024.

ADDRESSES: Comments on this rule may be submitted to the Federal rulemaking portal (www.regulations.gov). The www.regulations.gov ID for this rule is: BIS–2024–0020. Please refer to RIN 0694–AJ60 in all comments.

All filers using the portal should use the name of the person or entity submitting the comments as the name of their files, in accordance with the instructions below. Anyone submitting business confidential information should clearly identify the business confidential portion at the time of submission, file a statement justifying nondisclosure and referring to the specific legal authority claimed, and provide a non-confidential version of the submission.

For comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters “BC.” Any page containing business confidential information must be clearly marked “BUSINESS CONFIDENTIAL” on the top of that page. The corresponding non-confidential version of those comments must be clearly marked “PUBLIC.” The file name of the non-confidential version should begin with the character “P.” Any submissions with file names that do not begin with either a “BC” or a “P” will be assumed to be public and will be made publicly available through <https://www.regulations.gov>. Commenters submitting business confidential information are encouraged to scan a hard copy of the non-confidential version to create an image of the file, rather than submitting a digital copy with redactions applied, to avoid inadvertent redaction errors which could enable the public to read business confidential information.

FOR FURTHER INFORMATION CONTACT:

For general questions contact: Sharron Cook at 202–482–2440 or RPD2@bis.doc.gov.

For technical questions contact:

Category 2: Sean Ghannadian at 202–482–3429 or Sean.Ghannadian@bis.doc.gov.

Category 3: Carlos Monroy at 202–482–3246 or Carlos.Monroy@bis.doc.gov.

Category 4: Aaron Amundson at 202–482–0707 or Aaron.Amundson@bis.doc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In remarks made on February 4, 2021, regarding America’s place in the world, President Biden noted that America’s alliances are some of our greatest assets and that leading with diplomacy means standing shoulder to shoulder and working closely with our allies and key partners, thereby protecting the world against those who do not share our values. This is especially true in export controls, as controls adopted by supplier countries, working together, are typically the most effective path to protect our national security and advance our foreign policy objectives. This is reflected in the Statement of Policy in the Export Control Reform Act of 2018 (ECRA): export controls that are multilateral are the most effective (50 U.S.C. 4811(5)).

BIS seeks to achieve these objectives by harmonizing controls with like-minded countries. Accordingly, the United States is implementing new controls, including a limited number of deemed export requirements in the sectors of quantum computers, materials, and related electronic assemblies; aerospace technology; and integrated circuit “development” or “production.” With this rule, BIS imposes controls on items in these categories that warrant export controls because of national security concerns. Given the national security basis for these controls, BIS is implementing them immediately through an interim final rule. These controls are consistent with controls implemented by several international partners. While not currently controlled by the relevant multilateral regime, pursuant to ECRA Section 1758(c)(1), the United States shall pursue addition of these technologies to the list of items controlled by the relevant multilateral export control regime.

To identify items for which controls are harmonized with the Implemented Export Controls (IEC) of international partners, and to distinguish between such items and those items controlled through multilateral regimes, BIS is establishing a new framework in the EAR.

- IEC items will be identified in the 900 series of the CCL, *i.e.*, in Export Control Classification Numbers (ECCNs) for which the third digit is a 9 and the fourth digit is a number from 0 to 7 (*e.g.*, 3A901). Such items have worldwide license requirements and more limited license exception availability as compared to the ECCNs implementing multilateral regime controls.

- License Exception IEC will authorize exports and reexports to

specified destinations whose governments have implemented equivalent controls on the same items as the United States.

- Finally, this rule amends certain existing ECCNs where the proposal applied to an existing ECCN and it would have been more confusing to the public to create a separate ECCN, *e.g.*, ECCN 3B001. For these items, rather than establish new ECCNs, BIS is revising the item's current ECCN, even if such entry was initially adopted as a multilateral ECCN.

BIS encourages the public to comment on: (1) this framework for IEC, especially as it may impact supply chains and compliance programs; (2), the scope and clarity of the new ECCNs; and (3) the scope of the license exceptions.

BIS also seeks public comment on the deemed export requirements in this rule and the potential impacts that a deemed export control would have if it was applied to the quantum items and the General License in General Order no. 6 in paragraph (f)(3) in supplement no. 1 to part 736 were removed in this rule or at a future date. Specific illustrative questions are included below in section II.G.vii.

II. Details of Revisions to the EAR

A. Supplement No. 1 to Part 736—General Order No. 6—General License

BIS adds General Order No. 6 to implement three authorizations in paragraph (f) of supplement no. 1 to part 736 of the EAR.

A GAAFET General License (GL) is implemented in paragraphs (f)(1) and (f)(2) to support the U.S. technology leadership through ongoing collaboration with established partners in allied countries, *i.e.*, when that “development” or “production” began to be performed on or prior to September 6, 2024. In paragraph (f)(1), this GL authorizes exports, reexports, and transfers (in-country) to certain end users in destinations specified in Country Groups A:5 and A:6 in supplement no. 1 to part 740 of the EAR. The GL does not authorize deemed exports and reexports, because deemed exports and reexports to these countries are excluded from NS and RS controls under §§ 742.4(a)(5) and 742.6(a)(10) of the EAR.

In paragraph (f)(2), the GL does, however, authorize deemed exports or deemed reexports of “technology” specified in ECCN 3E905 (including for future advancements or versions of the same “technology”) to foreign person employees or contractors already employed by entities as of September 6,

2024 whose most recent country of citizenship or permanent residency is a destination specified in Country Group D:1 or D:5, and who are not prohibited persons under part 744 of the EAR.

In paragraph (f)(3), the General License authorizes deemed exports or deemed reexports of quantum “technology” and “software” to foreign persons whose most recent country of citizenship or permanent residency is a destination specified in Country Group D:1 or D:5 and who are not prohibited persons under part 744 of the EAR.

These authorizations in paragraph (f) are subject to annual reporting requirements in (f)(4), end-use and end-user restrictions in paragraph (f)(5), and recordkeeping requirements in paragraph (f)(6).

B. § 738.2 Commerce Control List (CCL) Structure

BIS is revising paragraph (d) to revise the explanation of the composition of an Export Control Classification Number (ECCN), especially focusing on the meaning of the digits in the ECCN. The 500 series is currently being utilized to cover firearms in the 0x5xx ECCNs and “Spacecraft” in 9x515 ECCNs. The new ECCNs that establish controls implemented by partners are now being placed in the 900 series ECCNs. Crime control and short supply controls have long shared the 980–989 series of ECCNs. Lastly, the 990–999 series ECCNs are being used for unilateral Anti-terrorism (AT), Regional Stability (RS), and United Nations Sanctions (UN) controls. BIS notes that while this is the overall structure of an ECCN, there will be the rare exception, *e.g.*, ECCN 3B001, because there are some items mirroring controls by allies rather than pursuant to the formal multilateral regime controls.

C. § 740.2 Restrictions on all License Exceptions

BIS is amending § 740.2 by adding paragraph (a)(22) to restrict the use of all license exceptions other than License Exceptions IEC, TMP, RPL, GOV, and TSU for the items described herein. License Exception IEC is available for exports, reexports, or transfers (in-country) of eligible items (currently ECCNs 2B910, 2D910, 2E903, 2E910, 3A901, 3A904, 3B001.c.1.a, 3B001.c.1.c, 3B001.q, 3B903, 3B904, 3C907, 3C908, 3C909, 3D001 (for 3B001.c.1.a, 3B001.c.1.c, 3B001.q), 3D002 (for 3B001.c.1.a, 3B001.c.1.c), 3D901, 3D907, 3E001 (for 3B001.c.1.a, 3B001.c.1.c, 3B001.q), 3E901, 3E905, 4A906, 4D906, and 4E906) to the eligible destinations specified in § 740.24 of the EAR. Section

740.2(a)(22) further specifies that such items may only be exported to other destinations pursuant to TMP, restricted to eligibility under the provisions of § 740.9(a)(3) and (6); RPL, under the provisions of § 740.10; GOV, restricted to eligibility under the provisions of § 740.11(b); or TSU under the provisions of § 740.13(a) and (c).

D. § 740.24 Implemented Export Controls (IEC)

i. Country Scope

BIS is implementing license exception eligibility for specified countries that have implemented equivalent technical national controls for specific items, in accordance with *License Exception IEC Eligible Items and Destinations* which is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. This material is available for inspection on the BIS website.

This authorization supports collaboration and innovation in those technologies for countries that have implemented equivalent technical parameters for these items in their export controls.

ii. Product Scope

Therefore, BIS is adding License Exception IEC to authorize exports and reexports to and among, and transfers (in-country) within, specified countries that have implemented export controls for items subject to the NS worldwide controls in newly added § 742.4(a)(5) and the RS worldwide controls in newly added § 742.6(a)(10). See description below in the national security and regional stability sections about these newly added paragraphs. Currently these items include the following ECCNs: 2B910, 2D910, 2E903, 2E910, 3A901, 3A904, 3B001.c.1.a, 3B001.c.1.c, 3B001.q, 3B903, 3B904, 3C907, 3C908, 3C909, 3D001 (for 3B001.c.1.a, 3B001.c.1.c, 3B001.q), 3D002 (for 3B001.c.1.a, 3B001.c.1.c), 3D901, 3D907, 3E001 (for 3B001.c.1.a, 3B001.c.1.c, 3B001.q), 3E901, 3E905, 4A906, 4D906, and 4E906. For ease of reference, the CCL entry for each of these ECCNs indicates “IEC: Yes” in the respective license exception section and references § 740.2(a)(22) and § 740.24 of the EAR. *License Exception IEC Eligible Items and Destinations* will be revised on the BIS website as additional countries implement these controls.

ECCNs eligible for License Exception IEC state “IEC: Yes” in the List-based License Exception paragraph of the ECCN. These items are controlled for export and reexport worldwide for

national security reasons under § 742.4(a)(5), for regional stability reasons under § 742.6(a)(10), and for anti-terrorism reasons to destinations specified in AT column 1 in supplement no. 1 to part 738 of the EAR.

iii. Incorporation by Reference: Eligibility Table Entitled “License Exception IEC Eligible Items and Destinations”

License Exception IEC eligibility is based on implementation of export controls for the items described in *License Exception IEC Eligible Items and Destinations* (incorporated by reference and available on the BIS website at <https://www.bis.gov/articles/license-exceptions#license-exception-IEC-eligibility>) by specified countries that have implemented equivalent technical parameters for these items in their export controls that substantially align with those implemented by the United States. *License Exception IEC Eligible Items and Destinations* identifies the items authorized under License Exception IEC to be exported, reexported, or transferred (in-country) to, among, or within the countries that have implemented export controls for these items. See paragraph § 740.24(c) for specific information about the incorporate by reference approval.

E. § 742.4 National Security

BIS adds paragraph (a)(5) to set forth a worldwide license requirement for national security reasons when an ECCN references § 742.4(a)(5) in an NS license requirement paragraph in the license requirement table of the ECCN. This rule also adds paragraph (b)(10) to set forth the license review policy for the items in paragraph (a)(5), which is a presumption of approval when the export or reexport is to a country in Country Group A:1 of supplement no. 1 to part 740 of the EAR. For exports or reexports of such items to destinations specified in Country Group D:1 or D:5, license applications will be reviewed with a presumption of denial. A case-by-case review policy will be applied for such items to all other destinations, to assess the risk that the export or reexport would contribute to the military potential of a country specified in Country Group D:1 or D:5 or to the destabilization of the region to which the item is destined. These items are also subject to regional stability and anti-terrorism controls. ECCNs currently subject to this NS control are: 2B910, 2D910, 2E903, 2E910, 3A901, 3A904, 3B001.c.1.a, 3B001.c.1.c, 3B001.q, 3B903, 3B904, 3C907, 3C908, 3C909, 3D001 (for 3B001.c.1.a, 3B001.c.1.c, 3B001.q), 3D002 (for 3B001.c.1.a,

3B001.c.1.c), 3D901, 3D907, 3E001 (for 3B001.c.1.a, 3B001.c.1.c, 3B001.q), 3E901, 3E905, 4A906, 4D906, and 4E906.

There is a 60-day delayed compliance for exports, reexports, and transfers (in-country) for quantum items specified in ECCNs 3A901, 3A904, 3B904, 3C907, 3C908, 3C909, 3D901 (for 3A901.b, 3B904), 3E901 (for 3A901, 3A904, 3B904, 3C907, 3C908, 3C909), 4A906, 4D906, or 4E906 controls to destinations in Country Group A:1; see compliance date at the beginning of the rule. This delay in compliance is to allow for submission and processing of license applications or implementation of internal compliance procedures on items covered by these ECCNs.

License requirements for deemed exports and deemed reexports for national security and regional stability controls are discussed in Section G of this rule, as the license requirements are identical for both.

F. § 742.6 Regional Stability

Generally, regional stability controls are not added in conjunction with national security controls for conventional weapons-related items, because the controls are agreed upon unanimously by a multilateral regime. However, the additional CCL controls BIS is implementing in this rule have not yet been adopted by the relevant multilateral regime. Therefore, BIS is also unilaterally controlling these items for regional stability reasons at this time. Exporters should also note 50 U.S.C. 4565(a)(6), which defines “critical technologies” for purposes of the jurisdiction of the Committee on Foreign Investment in the United States (CFIUS). Additional information about CFIUS can be found on Treasury’s website at: <https://home.treasury.gov/policy-issues/international/the-committee-on-foreign-investment-in-the-united-states-cfius>.

This rule adds paragraph (a)(10) to set forth a worldwide license requirement for regional stability reasons when an ECCN references § 742.6(a)(10) in an RS license requirement in the license requirement table of the ECCN. This rule also adds paragraph (b)(11) to set forth the license review policy for the items in paragraph (a)(10), which is a presumption of approval for destinations specified in Country Group A:1. For exports or reexports of such items to destinations specified in Country Groups D:1 or D:5 of supplement no. 1 to part 740 of the EAR, license applications will be reviewed under a presumption of denial. A case-by-case review policy will be applied for such items to all

other destinations, to assess the risk the export or reexport would contribute significantly to the destabilization of the region to which the equipment is destined. These items are also subject to national security and anti-terrorism controls. ECCNs currently subject to this RS control are: 2B910, 2D910, 2E903, 2E910, 3A901, 3A904, 3B001.c.1.a, 3B001.c.1.c, 3B001.q, 3B903, 3B904, 3C907, 3C908, 3C909, 3D001 (for 3B001.c.1.a, 3B001.c.1.c, 3B001.q), 3D002 (for 3B001.c.1.a, 3B001.c.1.c), 3D901, 3D907, 3E001 (for 3B001.c.1.a, 3B001.c.1.c, 3B001.q), 3E901, 3E905, 4A906, 4D906, and 4E906.

There is a 60-day delayed compliance for exports, reexports, and transfers (in-country) for quantum items specified in ECCNs 3A901, 3A904, 3B904, 3C907, 3C908, 3C909, 3D901 (for 3A901.b, 3B904), 3E901 (for 3A901, 3A904, 3B904, 3C907, 3C908, 3C909), 4A906, 4D906, or 4E906 controls to destinations in Country Group A:1; see compliance date at the beginning of the rule. This delay in compliance is to allow for submission and processing of license applications or implementation of internal compliance procedures on items covered by these ECCNs.

License requirements for deemed exports and deemed reexports are discussed in the section below, as the license requirements are identical to the national security controls.

G. Deemed Export and Deemed Reexport Controls

i. Grandfathering Clauses

This rule includes grandfathering clauses, allowing the continued and future access to “technology” and “software” (including for future advancements or versions of the same “technology” and “software”) that require a license for national security or regional stability reasons in § 742.4(a)(5)(i) and § 742.6(a)(10)(i) of the EAR for foreign person employees and contractors that already have access to such “technology” or “software” and are employed by an entity as of the effective date of this rule. The only exception to these grandfathering clauses is for GAAFET “technology” specified in ECCN 3E905 to foreign persons whose most recent country of citizenship or permanent residency is a destination specified in Country Group D:1 or D:5. However, this rule implements authorization for employees and contractors to continue access to GAAFET technology under General License in General Order no. 6, paragraph (f) of supplement no. 1 to part 736 of the EAR subject to reporting requirements and conditions.

ii. Full Deemed Export and Deemed Reexport Exclusion

This rule implements a full deemed export and deemed reexport license requirement exclusion from license requirements imposed under the national security and regional stability control in § 742.4(a)(5)(i) and § 742.6(a)(10)(i) of the EAR for “technology” and “software” in ECCNs 3D001, 3D002, and 3E001 for anisotropic dry plasma etch equipment and isotropic dry etch equipment in 3B001.c.1.a and c.1.c. This is in alignment with the full deemed export and deemed reexport exclusion that is already in place for this “technology” and “software” that was established by the rule entitled “Export Controls on Semiconductor Manufacturing Items” published in the **Federal Register** on October 25, 2023 (88 FR 73424).

iii. Limited Deemed Export and Deemed Reexport Exclusion

For specified items, this rule implements a limited deemed export and deemed reexport license requirement exclusion from license requirements imposed under the national security and regional stability control in § 742.4(a)(5)(i) and § 742.6(a)(10)(i) of the EAR, except to foreign persons whose most recent country of citizenship or permanent residency is a destination specified in Country Group D:1 or D:5. The specified items include “software” or “technology” ECCNs: ECCNs 2D910; 2E910; 3D001 (“software” for “EUV” masks and reticles in ECCN 3B001.q); 3D901 (for “software” for quantum items in ECCNs 3A901.b, 3B904 and scanning electron microscopes (SEM) in ECCN 3B903); 3D907 (“software” designed to extract “GDSII” or equivalent data); 3E001 (“technology” for “EUV” masks and reticles in ECCN 3B001.q); 3E901 (for “technology” for quantum items in 3A901, 3A904, 3B904, 3C907, 3C908, and 3C909, and for SEMs in ECCN 3B903); 3E905 “technology” according to the General Technology Note for the “development” or “production” of integrated circuits or devices, using “Gate all-around Field-Effect Transistor” (“GAAFET”) structures; and “technology” for quantum items in ECCNs 4D906 or 4E906.

iv. Quantum Technology

U.S. technology leadership is based in part upon the ability of U.S. companies to benefit from the expertise of foreign persons. While this is true in many technology sectors, access to foreign expertise is particularly necessary in

quantum computing. Quantum computing research and development is substantially a global endeavor, with major innovation occurring in academic labs, small companies, large companies, and national laboratories distributed throughout the world. Key foundational concepts, capabilities, and discoveries from one side of the globe are often borrowed, improved, and/or incorporated to advance efforts on the other side of the world. In this dynamic environment, the entities that can access and incorporate new technology developments quickly will have a major advantage over those who cannot. In addition, many leading quantum computing companies have built deep and enduring relationships with academics from around the world to facilitate the influx of technology. At the same time, there is a global shortage of quantum computing expertise, with demand currently outstripping supply. This has led to a substantial world-wide competition to attract the top talent. Academia and industry have described the talent bottleneck as one of the largest impediments to acceleration.

The domestic development of quantum information science and technology (QIST) experts, including in quantum computing, is insufficient to fill the United States’ QIST strategic goals. The United States will continue to rely on foreign talent to fill critical workforce gaps. Currently, much of the QIST talent developed in the U.S. are foreign persons. Foreign persons are subject to visa requirements as administered by the Department of State. More than half of QIST-related degrees conferred in the U.S. are awarded to temporary U.S. residents. Additionally, stakeholders report that offshore companies are becoming increasingly attractive places to pursue a career in quantum computing, driven both by increases in public and private investments internationally, but also uncertainty in the ability to work in the United States due to immigration policies.

While the license requirements for deemed exports and deemed reexports of quantum technology and software only apply to foreign persons whose most recent country of citizenship or permanent residency is a destination specified in Country Group D:1 or D:5, this hardship would be devastating to the continued progress of future developments in the quantum field, which depends on foreign person employees from these destinations. Therefore, this rule is implementing a new General License (GL) in General Order no 6 paragraph (f)(3) of supplement no. 1 to part 736 that

authorizes deemed exports and deemed reexports of quantum technology and software to foreign persons whose most recent country of citizenship or permanent residency is a destination specified in Country Group D:1 or D:5. This GL authorization will be subject to annual reporting requirements in new § 743.8 in this rule. Annual reports will allow for visibility to ensure access is consistent with U.S. national security and foreign policy interests. When access appears inconsistent with U.S. national security and foreign policy interests, BIS has the authority to impose a license requirement on the foreign national’s continued access to the relevant technology. Not complying with the reporting requirement or falsifying or omitting information required by the reporting requirement would be a violation of the EAR.

BIS is adding § 743.8 to set forth provisions for a report of release under the General License in General Order no. 6 in paragraph (f)(3) in supplement no. 1 to part 736 of the EAR of quantum “software” or “technology” to foreign persons from destinations specified in Country Group D:1 or D:5 for the “development” or “production” of items controlled by ECCNs 3A901, 3A904, 3B904, 3C907, 3C908, 3C909, or 4A906. The report must include information typically included in a deemed export license application, see guidelines for deemed export license applications under the learn and support tab of the BIS website at www.bis.gov. The first report is due 60 days after the publication of this rule, then it will be required annually thereafter. In addition to the annual report, the host entity must report to BIS the voluntary or involuntary termination of a foreign person’s employment at the host entity within 30 days of the termination. This approach supports U.S. technology leadership by authorizing continued collaboration on quantum technology development and production, while providing BIS with the necessary visibility for national security oversight.

v. Technology Related to Gate-All-Around Field-Effect Transistor and Semiconductor Manufacturing Equipment

U.S. companies designing and producing semiconductor manufacturing equipment as well as integrated circuits with Gate-All-Around Field-Effect Transistor (GAAFET) technology (ECCN 3E905) face challenges regarding the ability to hire and retain foreign persons with substantial expertise.

To ensure continued technology leadership of U.S. companies and prevent disruption of the current semiconductor manufacturing supply chain, BIS has added two authorizations in General License to supplement no. 1 to part 736 General Order no. 4 for GAAFET exports, reexports, and transfers (in-country) to entities currently in collaboration with U.S. industry in destinations specified in Country Group A:5 or A:6 of the EAR and deemed exports and deemed reexports of “technology” and “software” for GAAFET “technology” specified in ECCN 3E905 to foreign person employees or contractors already employed by entities as of [September 6, 2024] whose most recent citizenship or permanent residency is a destination specified in Country Group D:1 or D:5, including for future advancements or versions of the same “technology”. This authorization includes a reporting requirement that is added to § 743.7 of the EAR, and the first report is due 60 days after the publication of this rule on November 5, 2024, thereby followed by annual reporting to BIS.

BIS is adding § 743.7 to set forth provisions for an annual report of any export, reexport, or transfer (in-country) of “technology” specified in ECCN 3E905 that is not authorized by an individual validated license but is authorized pursuant to the GAAFET General License in General Order No. 6 in paragraph (f)(1) or (f)(2) in supplement no. 1 to part 736 of the EAR. The first report is due 60 days after the publication of this rule, then it will be required annually thereafter.

BIS and its interagency partners made this assessment to avoid undercutting U.S. technology leadership and in recognition that software and technology related to semiconductor items is generally proprietary information, which companies have a strong incentive to protect by utilizing substantial internal controls, including imposing limitations on access, vetting employees, and executing non-disclosure agreements. This approach supports U.S. technology leadership by authorizing continued collaboration on GAAFET technology development and production, while providing BIS with the necessary visibility for national security oversight. BIS assesses that this approach enables continued U.S. technology leadership while providing the U.S. government visibility into foreign persons working in this technology.

vi. ECCN 2B910 Additive Manufacturing Equipment

Lacking comparable information on the remaining technology, BIS is implementing deemed export and reexport controls for foreign persons for “technology” and “software” in ECCNs 2D910 and 2E910 for additive manufacturing equipment (2B910).

vii. Request for Public Comments Regarding Deemed Exports

BIS is seeking to understand the potential impacts that a deemed export control would have if the General License in General Order no. 6 in paragraph (f)(3) in supplement no. 1 to part 736 were removed in this rule or at a future date. BIS is also seeking public input and suggestions on how U.S. national security concerns could be addressed in the absence of a quantum technology deemed export licensing requirement. BIS encourages consideration of the following list of questions when preparing input, but also welcomes any other relevant input and suggestions.

A. Anticipated challenges associated with compliance with deemed-export restrictions:

1. Do you already implement deemed export controls for other technologies?
2. Do you have the necessary staff with appropriate training to manage deemed export controls for these items? If not, how many additional staff would you expect to need to hire?
3. Approximately how many individuals, including external consultants and subject matter experts, would require licenses if deemed export controls were implemented? What approximate percentage of your total workforce does that constitute and how do you anticipate that changing in the future? Are there particular countries from which a significant fraction of relevant individuals come? How do you anticipate deemed exports altering future hiring practices?
4. If deemed export controls are implemented, how would that impact future siting decisions for R&D and manufacturing?
5. Are there other anticipated challenges or impacts to competitiveness associated with deemed exports on the quantum items not covered in the above questions? How would the implementation of deemed exports on these items alter R&D activities?

b. Anticipated aspects of technology development and interactions relevant for potential deemed-export restrictions:

1. For the quantum items, is your development or use of those items not

related to quantum computers? If so, which items?

2. For which quantum items are deemed exports potentially relevant because you develop or produce those items? For which are deemed exports potentially relevant only because you use or operate those items?

3. Are there quantum items you develop or produce as part of basic scientific research for which deemed exports would be potentially relevant? Is this true for research that is intended for open publication, research for which details will be kept restricted or proprietary, or both?

Comments received will be used to contemplate future imposition of deemed export requirements.

H. Part 772—Definitions of Terms

This rule adds a definition for “GDSII” or “Graphic Design System II” to § 772.1 “Definitions of terms as used in the Export Administration Regulations (EAR).” GDSII is a database file format for data exchange of integrated circuit artwork or integrated circuit layout artwork. This term is used in ECCNs in Category 3 of the CCL, e.g., ECCN 3D907.

I. Specific Changes to the Commerce Control List in Supplement No. 1 to Part 774 of the EAR

Adds the following 18 ECCNs: 2B910, 2D910, 2E903, 2E910, 3A901, 3A904, 3B903, 3B904, 3C907, 3C908, 3C909, 3D901, 3D907, 3E901, 3E905, 4A906, 4D906, and 4E906.

Revises the following 9 ECCNs: 2E003, 3A001, 3B001, 3C001, 3D001, 3D002, 3E001, 4D001, and 4E001.

2B910 Additive manufacturing equipment, designed to produce metal or metal alloy components.

The current state-of-the-art additive manufacturing (AM) technology builds upon more than 30 years of research and development. Today, metal AM equipment is used to produce parts and components in military devices, such as aircraft, missiles and propulsion systems. Ultimately, next-generation metal AM equipment with high levels of precision and control will enable significant improvements in part performance properties and advanced military capabilities not yet realistically achievable with current standard metal AM equipment.

For these reasons, BIS is adding ECCN 2B910 to the CCL to control specified AM equipment designed to produce metal or metal alloy components, and “specially designed” “components” therefor for national security, regional stability, and anti-terrorism reasons. A

license is required to export or reexport AM equipment, designed to produce metal or metal alloy components, having all of the specified parameters in the List of Items Controlled of ECCN 2B910, and “specially designed” “components” therefor to all destinations as specified pursuant to the national security controls and reviewed under the licensing policy set forth in § 742.4(a)(5) and (b)(10) of the EAR, and regional stability controls and reviewed under the licensing policy set forth in § 742.6(a)(10) and (b)(11) of the EAR, and Anti-terrorism (AT) column 1 of the Commerce Country Chart in supplement no. 1 to part 738 of the EAR.

2D910 “Software”, not specified elsewhere, “specially designed” or modified for the “development” or “production” of equipment specified in ECCN 2B910.

BIS is adding ECCN 2D910 to the CCL to control “software”, not specified elsewhere, “specially designed” or modified for the “development,” “production,” operation, or maintenance of equipment specified in ECCN 2B910.

A license is required to export or reexport ECCN 2D910 “software” to all destinations as specified pursuant to the national security controls and license review policy set forth in § 742.4(a)(5) and (b)(10) of the EAR, regional stability controls and license review policy set forth in § 742.6(a)(10) and (b)(11) of the EAR, and Anti-terrorism (AT) column 1 of the Commerce Country Chart in supplement no. 1 to part 738 of the EAR.

2E003 Other “technology”.

ECCN 2E003 is amended by adding a Related Control note to reference ECCN 2E903 for “technology”, not specified elsewhere, for the “development” or “production” of coating systems (as defined in 2E903).

2E903 “Technology”, not specified elsewhere, for the “development” or “production” of ‘coating systems’.

While current gas turbine engines that propel aircraft and generate electricity are highly efficient, there is always demand for even higher performance, better fuel efficiency, and lower air polluting emissions. Ceramic matrix composites (CMCs) are used in gas turbine engines, aircraft and missile structures, radomes and hypersonics. CMCs have two main benefits over nickel alloys: higher temperature capability and lower density.

For these reasons, BIS is adding ECCN 2E903 to the CCL to control “technology”, not specified elsewhere,

for the “development” or “production” of ‘coating systems.’ This addition also includes a technical note to explain that ‘coating systems’ consist of one or more layers (e.g., bond, interlayer, top coat) of material deposited on the substrate. These coatings are designed to protect substrates made from CMC materials from water vapor or corrosive gases generated during combustion reactions. This corrosiveness results in rapid surface recession, which erodes structural integrity and mechanical strength.

A license is required to export or reexport ECCN 2E903 “technology”, not specified elsewhere, for the “development” or “production” of ‘coating systems’ to all destinations as specified pursuant to the national security controls and license review policy set forth in § 742.4(a)(5) and (b)(10) of the EAR, and regional stability controls and license review policy set forth in § 742.6(a)(10) and (b)(11) of the EAR, and Anti-terrorism (AT) column 1 of the Commerce Country Chart in supplement no. 1 to part 738 of the EAR.

2E910 “Technology”, not specified elsewhere, “specially designed” or modified for the “development” or “production” of equipment specified in ECCN 2B910.

BIS is adding ECCN 2E910 to the CCL to control “technology”, not specified elsewhere, “specially designed” or modified for the “development” or “production” of equipment specified in ECCN 2B910.

A license is required to export or reexport ECCN 2E910 “technology” to all destinations as specified pursuant to the national security controls and license review policy set forth in § 742.4(a)(5) and (b)(10) of the EAR, and regional stability controls and license review policy set forth in § 742.6(a)(10) and (b)(11) of the EAR, and Anti-terrorism (AT) column 1 of the Commerce Country Chart in supplement no. 1 to part 738 of the EAR.

Category 3, Product Group A: Notes.

This rule revises Note 1 by moving the list of 3A001 paragraphs into a parenthetical that is now located after 3A001. This rule adds 3A001.z within the parenthetical, which means that if an item specified in 3A001.z is “specially designed” for or has the same functional characteristics as other equipment, that it will still be classified and treated as an item specified in 3A001.z instead of as that equipment. This rule also adds ECCN 3A901 to Note 1, which means that if a 3A901 electronic item, such as a cryogenic CMOS or cryo-CMOS chip or a

parametric signal amplifier were “specially designed” or had the same function as other equipment, then it would be classified and treated as that other equipment.

BIS is adding 3A001.z and 3A901 to Note 2, which means that if these integrated circuits “are unalterably programmed or designed for a specific function for other equipment” then it would be classified and treated as the other equipment.

BIS is also adding 3A001.z and 3A901 to the Nota Bene (N.B.), which means that “When the manufacturer or applicant cannot determine the control status [classification] of the other equipment” then the ICs would be classified as 3A001.z or 3A901, respectively.

3A001 Electronic items.

BIS adds a nota bene (N.B.) before 3A001.a.3 that states, “For cryogenic Complementary Metal Oxide Semiconductor (CMOS) integrated circuits not specified by 3A001.a.2, see 3A901.a.” The same note is added to the Related Controls notes.

Paragraph 3A001.a.9 neural network integrated circuits is removed and reserved, because of the addition of ECCN 3A090, which controls integrated circuits that may be used for machine learning of artificial intelligence systems, to the CCL.

BIS adds a nota bene (N.B.) after 3A001.b that states, “For parametric signal amplifiers or Quantum-limited amplifiers (QLAs) not specified by 3A001.b, see ECCN 3A901.b.” The same note is added to the Related Controls notes.

3A901 Electronic items not specified by 3A001.

Quantum processors based on superconducting arrays must operate at extremely low temperatures (typically 20 mK or below), and other quantum computing implementations require cooling below 200 mK. To allow conventional complimentary metal-oxide semiconductor (CMOS) memory and logic circuits to operate, and to avoid them heating the cryogenically cooled components, the controls are placed some distance away from the cryogenic features and are linked by multiple cables. The amount of cabling required for all the qubits presents a significant barrier to scaling up quantum bit (qubit) capacity as well as causing high processing latencies.

As larger quantum computers with more qubits are developed, the control circuitry must be moved inside the cryostat to reduce these latencies. Currently, conventional CMOS devices have a general lower temperature limit

of $-40\text{ }^{\circ}\text{C}$ (233K). CMOS designs are currently being developed that are suitable for operating around 4K temperatures or below for the purposes of quantum computing.

For these reasons, BIS adds 3A901.a to the CCL to control CMOS integrated circuits, not specified by 3A001.a.2, designed to operate at an ambient temperature equal to or less (better) than 4.5 K ($-268.65\text{ }^{\circ}\text{C}$). A technical note accompanies this addition stating that “CMOS integrated circuits are also referred to as cryogenic CMOS or cryo-CMOS integrated circuits.”

A critical function in quantum computing projects is the ability to read out very weak signals. To perform that function, the qubit and signal amplifiers need to be cooled down to a very low temperature to suppress the noise. For this reason, BIS adds 3A901.b to the CCL to control parametric signal amplifiers that operate at very low temperatures, at specified frequencies, and a noise figure parameter. A note and a technical note are also added stating, “parametric signal amplifiers include Travelling Wave Parametric Amplifiers (TWPAs)” and “parametric signal amplifiers may also be referred to as Quantum-limited amplifiers (QLAs).”

CMOS integrated circuits specified in 3A901.a and parametric signal amplifiers specified in 3A901.b require a license to all destinations as specified pursuant to the national security controls and license review policy set forth in § 742.4(a)(5) and (b)(10) of the EAR, and regional stability controls and license review policy set forth in § 742.6(a)(10) and (b)(11) of the EAR, and Anti-terrorism (AT) column 1 of the Commerce Country Chart in supplement no. 1 to part 738 of the EAR.

3A904 Cryogenic cooling systems and components.

The cooling power limit for complete cryogenic systems is the focus of this control and is based on the currently commercially available cooling systems. The systems with the smallest cooling power tend to be used for basic research, whereas development of larger quantum computers is typically done using systems with the highest cooling power. However, this distinction is not clear-cut. This control focuses on items that are relevant for research on quantum systems with a larger quantity of physical qubits. This type of cryogenic cooling system warrants national security, regional stability, and anti-terrorism controls.

For these reasons, BIS is adding ECCN 3A904 to the CCL to control cryogenic cooling systems and specified components. ECCN 3A904 controls

“systems rated to provide a cooling power greater than or equal to $600\text{ }\mu\text{W}$ at or below a temperature of 0.1 K ($-273.05\text{ }^{\circ}\text{C}$) for a period of greater than 48 hours,” as well as specified two-stage pulse tube cryocoolers.

Items specified in ECCN 3A904 are controlled for NS and RS to all destinations as specified pursuant to the national security controls and license review policy set forth in § 742.4(a)(5) and (b)(10) of the EAR, and regional stability controls and license review policy set forth in § 742.6(a)(10) and (b)(11) of the EAR, and Anti-terrorism (AT) column 1 of the Commerce Country Chart in supplement no. 1 to part 738 of the EAR.

3B001 Equipment for the manufacturing of semiconductor devices, materials, or related equipment, as specified and “specially designed” “components” and “accessories” therefor.

GAAFETs and similar 3D structures with different brand names require lateral etching with high selectivity. Isotropic dry etching is required for lateral etching.

Anisotropic dry plasma etching can only etch vertically. Atomic layer etching, enhanced by the features described in 3B001.c.1.a and c.1.c, produces the vertical edges required in high-quality, leading-edge advanced devices and structures, including GAAFET and similar 3D structures. These tools precisely remove monolayers without damaging other layers.

Anisotropic dry etching is critical for GAAFET and similar 3D structure fabrication. It is also an important tool for Fin-shaped Field Effect Transistor (FinFET) fabrication. As taller and straighter fins are required for scaling, anisotropic dry etching is used by FinFET manufacturers to uniformly scale the critical dimension of the Fin, improving its profile and thus enhancing its performance. Anisotropic dry etching is also used for self-aligned contact and minimum pitch via etching. Polysilicon dummy gate patterning, and its removal in a Replacement Metal Gate (RMG) process for FinFETs and GAAFET, are also enabled by anisotropic etching. Highly selective isotropic/anisotropic etching is routinely used in multi-patterning applications such as hard-mask.

Masks and reticles are each made from complex multiple layer mask blanks. They have to be designed for “extreme ultraviolet” (“EUV”) lithography. As masks and reticles are critical components for EUV lithography, BIS is adding 3B001.q to

control “EUV” masks and “EUV” reticles designed for integrated circuits, not specified by 3B001.g, and having a mask “substrate blank” specified by 3B001.j.” A technical note is added to clarify that masks or reticles with a mounted pellicle are considered masks and reticles.

For the reasons stated above, BIS is adding worldwide NS and RS license requirements to the license requirement table for 3B001.c.1.a isotropic dry etching equipment, c.1.c anisotropic dry etching equipment and 3B001.q (“EUV” masks and “EUV” reticles designed for integrated circuits, not specified by 3B001.g, and having a mask “substrate blank” specified by 3B001.j). Items specified in ECCN 3B001.c.1.a, 3B001.c.1.c, and 3B001.q are newly controlled for NS and RS to all destinations as specified pursuant to the national security controls and license review policy set forth in § 742.4(a)(5) and (b)(10) of the EAR, and regional stability controls and license review policy set forth in § 742.6(a)(10) and (b)(11) of the EAR, and have an existing control for Anti-terrorism (AT) column 1 of the Commerce Country Chart in supplement no. 1 to part 738 of the EAR.

BIS is removing License Exception GBS eligibility for 3B001.c.1.a (Equipment designed or modified for isotropic dry etching), 3B001.c.1.c (Equipment designed or modified for anisotropic dry etching), and 3B001.q (“EUV” masks and “EUV” reticles designed for integrated circuits, not specified by 3B001.g, and having a mask “substrate blank” specified by 3B001.j). BIS is adding License Exception IEC to the List-based License Exceptions section of 3B001.

BIS adds a reference to ECCN 3B903 in the Related Controls paragraph of the List of Items Controlled section.

3B903 Scanning Electron Microscope (SEM) equipment designed for imaging semiconductor devices or integrated circuits.

This rule adds ECCN 3B903 to control Scanning Electron Microscopes (SEM) designed for imaging of semiconductor devices or integrated circuits for national security, regional stability, and anti-terrorism reasons. A specialized SEM can be used to reverse engineer integrated circuits and perform chip design recovery and for this reason warrants national security controls to protect innovation in integrated circuit development of the United States and other supplier countries.

Therefore, BIS is adding ECCN 3B903 to the CCL to control SEM designed for imaging of semiconductor devices or

integrated circuits. Items specified in ECCN 3B903 are controlled for NS and RS to all destinations as specified pursuant to the national security controls and license review policy set forth in § 742.4(a)(5) and (b)(10) of the EAR, and regional stability controls and license review policy set forth in § 742.6(a)(10) and (b)(11) of the EAR, and Anti-terrorism (AT) column 1 of the Commerce Country Chart in supplement no. 1 to part 738 of the EAR.

3B904 Cryogenic wafer probing equipment.

Cryogenic wafer probers are targeted to scaling up quantum computing based on solid-state qubits, among other types of qubits. Development of cryogenic quantum devices, electronics, and detectors can benefit from better device characterization offered by a cryogenic wafer prober. Certain cryogenic wafer probers will speed up the testing and characterization (collection of high-volume data) from qubit devices under test. This offers a distinct advantage during development which has traditionally taken much more time for low temperature testing. For this reason, BIS believes this equipment warrants export controls for national security, regional stability, and anti-terrorism reasons.

Therefore, BIS is adding ECCN 3B904 to the CCL to control specified cryogenic wafer probing equipment. Items specified in ECCN 3B904 are controlled for NS and RS to all destinations as specified pursuant to the national security controls and license review policy set forth in § 742.4(a)(5) and (b)(10) of the EAR, and regional stability controls and license review policy set forth in § 742.6(a)(10) and (b)(11) of the EAR, and Anti-terrorism (AT) column 1 of the Commerce Country Chart in supplement no. 1 to part 738 of the EAR.

3C001 Hetero-epitaxial materials consisting of a “substrate” having stacked epitaxially grown multiple layers.

ECCN 3C001 is revised by adding a new Related Control note paragraph 2 to reference ECCNs 3C907, 3C908, and 3C909. In addition, a new nota bene (N.B.) is added after paragraph 3C001.f to reference ECCN 3C907.

3C907 Epitaxial materials consisting of a “substrate” having at least one epitaxially grown layer and containing other specified materials.

3C908 Fluorides, hydrides, chlorides, of silicon or germanium, containing other specified materials.

3C909 Silicon, silicon oxides, germanium or germanium oxides,

containing any other specified materials.

Semiconducting qubits consisting of certain silicon (Si) or germanium (Ge) isotopes, which have no nuclear spin, or mixture thereof, are one of the key technologies to develop spin-based quantum computers. Therefore, this rule adds three ECCNs for controlling these materials: 3C907, 3C908, and 3C909. ECCN 3C907 controls “Epitaxial materials consisting of a “substrate” having at least one epitaxially grown layer” of silicon or germanium containing a specified percentage of silicon or germanium isotopes. ECCN 3C908 controls “Fluorides, hydrides, chlorides, of silicon or germanium” containing a specified percentage of silicon or germanium isotopes. ECCN 3C909 controls “Silicon, silicon oxides, germanium or germanium oxides” containing a specified percentage of silicon or germanium isotopes. Isotopic enriched Si and Ge are exported with certificates which indicate isotopic distribution or combination, regardless of their chemical forms, by commercial practice. Those documents would facilitate examination of whether isotopic purity of the exported item is below or above the control threshold.

Therefore, BIS is adding ECCNs 3C907, 3C908, and 3C909 to the CCL because semiconducting qubits consisting of certain silicon (Si) or germanium (Ge) isotopes, which have no nuclear spin, or a mixture thereof are key materials needed to develop spin-based quantum computers. Materials specified in ECCNs 3C907, 3C908, and 3C909 are controlled for NS and RS to all destinations as specified pursuant to the national security controls and license review policy set forth in § 742.4(a)(5) and (b)(10) of the EAR, and regional stability controls and license review policy set forth in § 742.6(a)(10) and (b)(11) of the EAR, and Anti-terrorism (AT) column 1 of the Commerce Country Chart in supplement no. 1 to part 738 of the EAR.

3D001 “Software”.

ECCN 3D001 is amended by revising the heading to add ECCN 3B903 and 3B904 to the exception parenthetical for 3B. In addition, BIS is adding to the license requirement table two new rows for NS and RS worldwide controls for “software” “specially designed” for the “development” or “production” of commodities controlled by 3B001.c.1.a, 3B001.c.1.c, and 3B001.q. Such “software” controlled by commodities in ECCN 3B001.c.1.a, 3B001.c.1.c, or 3B001.q are controlled for NS and RS to all destinations as specified pursuant to the national security controls and

license review policy set forth in § 742.4(a)(5) and (b)(10) of the EAR, and regional stability controls and license review policy set forth in § 742.6(a)(10) and (b)(11) of the EAR, and Anti-terrorism (AT) column 1 of the Commerce Country Chart in supplement no. 1 to part 738 of the EAR.

BIS is also adding an STA restriction for “software” “specially designed” for the “development” or “production” of equipment specified by 3B001.c.1.a, 3B001.c.1.c, or 3B001.q to any of the destinations listed in Country Group A:5.

3D002 “Software” “specially designed” for the “use” of equipment controlled by 3B001.a to .f and .j to .p, or 3B002.

BIS is adding to the license requirement table two new rows for NS and RS worldwide controls for “software” “specially designed” for “use” of equipment controlled by 3B001.c.1.a and c.1.c. Such “software” is controlled for NS and RS to all destinations as specified pursuant to the national security controls and license review policy set forth in § 742.4(a)(5) and (b)(10) of the EAR, and regional stability controls and license review policy set forth in § 742.6(a)(10) and (b)(11) of the EAR, and Anti-terrorism (AT) column 1 of the Commerce Country Chart in supplement no. 1 to part 738 of the EAR.

BIS is also adding an STA restriction for “software” “specially designed” for the “development” or “production” of equipment specified by 3B001.c.1.a or c.1.c to any of the destinations listed in Country Group A:5.

3D901 “Software”, not specified elsewhere, “specially designed” or modified for the “development,” “production,” of items controlled in ECCN 3A901.b, 3B903, or 3B904.

BIS is adding ECCN 3D901 to control “software” not specified elsewhere, “specially designed” or modified for the “development,” “production,” operation, or maintenance of items controlled in ECCNs 3A901.b, 3B903, or 3B904.

“Software” specified in ECCN 3D901 is controlled for NS and RS reasons to all destinations as specified pursuant to the national security controls and license review policy set forth in § 742.4(a)(5) and (b)(10) of the EAR, and regional stability controls and license review policy set forth in § 742.6(a)(10) and (b)(11) of the EAR, and Anti-terrorism (AT) column 1 of the Commerce Country Chart in supplement no. 1 to part 738 of the EAR.

3D907 “Software” designed to extract “GDSII” or equivalent standard

layout data and perform layer-to-layer alignment from SEM images, and generate multi-layer “GDSII” data or the circuit netlist.

BIS is adding ECCN 3D907 to control “software” designed to extract “Graphic Design System II” (“GDSII”) or equivalent standard layout data and perform layer-to-layer alignment from SEM images, as well as having the ability to generate multi-layer “GDSII” data or the circuit netlist. “GDSII” is an industry standard binary file format representing wire paths, boundaries, structures, arrays, text labels and other information about the layout of an integrated circuit in hierarchical form for Electronic Design Automation (EDA) data exchange of integrated circuit or IC layout artwork. This type of software aids in the reverse engineering of integrated circuits and warrants national security controls to protect the innovation of integrated circuits by the U.S. and other supplier countries. An example of an equivalent standard to “GDSII” would be Open Artwork System Interchange Standard (OASIS).

Therefore, BIS is adding ECCN 3D907 to the CCL to control “software” designed to extract “GDSII” or equivalent standard layout data and perform layer-to-layer alignment from SEM images, as well as having the ability to generate multi-layer “GDSII” data or the circuit netlist. BIS is also adding to the Related Controls paragraph, “An example of an equivalent standard to “GDSII” would be Open Artwork System Interchange Standard (OASIS).” “Software” specified in ECCN 3D907 is controlled for NS and RS reasons to all destinations as specified pursuant to the national security controls and license review policy set forth in § 742.4(a)(5) and (b)(10) of the EAR, and regional stability controls and license review policy set forth in § 742.6(a)(10) and (b)(11) of the EAR, and Anti-terrorism (AT) column 1 of the Commerce Country Chart in supplement no. 1 to part 738 of the EAR.

3E001 “Technology” according to the General Technology Note for the “development” or “production” of commodities controlled by 3A (except 3A901, 3A904, 3A980, 3A981, 3A991, 3A992, or 3A999), 3B (except 3B903, 3B904, 3B991 or 3B992) or 3C (except 3C907, 3C908, 3C909, or 3C992).

The heading of 3E001 is amended by adding to the exception parentheticals ECCNs 3A901, 3A904, 3B903, 3B904, 3C907, 3C908, and 3C909.

In addition, BIS is adding to the license requirement table two new rows

for NS and RS worldwide controls for “technology” for equipment controlled by 3B001.c.1.a, 3B001.c.1.c, and 3B001.q. “Technology” for equipment controlled by ECCN 3B001.c.1.a, 3B001.c.1.c, or 3B001.q is controlled for NS and RS to all destinations as specified pursuant to the national security controls and license review policy set forth in § 742.4(a)(5) and (b)(10) of the EAR, and regional stability controls and license review policy set forth in § 742.6(a)(10) and (b)(11) of the EAR, and Anti-terrorism (AT) column 1 of the Commerce Country Chart in supplement no. 1 to part 738 of the EAR.

ECCN 3E001 is amended by removing Note 3 and the Technical Note that follows it related to Process Design Kits (PDKs). In addition, this rule adds a Note 1 to Category 3, Product Group E to inform the exporting community that the controls in ECCN 3E001 and new ECCN 3E905 do not apply to PDKs unless they include libraries implementing functions or technologies for items specified by 3A001. The Technical Note that defined ‘PDK’ that was formerly in ECCN 3E001 is moved to Cat. 3 Product Group E.

3E901 “Technology” according to the General Technology Note for the “development” or “production” of items controlled by 3A901, 3A904, 3B903, 3B904, 3C907, 3C908, or 3C909.

BIS is adding ECCN 3E901 to control “technology” for items controlled by 3A901, 3A904, 3B903, 3B904, 3C907, 3C908, or 3C909.

“Technology” specified in ECCN 3E901 is controlled for NS and RS reasons to all destinations as specified pursuant to the national security controls and license review policy set forth in § 742.4(a)(5) and (b)(10) of the EAR, and regional stability controls and license review policy set forth in § 742.6(a)(10) and (b)(11) of the EAR, and Anti-terrorism (AT) column 1 of the Commerce Country Chart in supplement no. 1 to part 738 of the EAR.

3E905 “Technology” according to the General Technology Note for the “development” or “production” of integrated circuits or devices, using “Gate all-around Field-Effect Transistor (“GAAFET”) structures.

BIS adds ECCN 3E905 to the CCL to control “technology” according to the General Technology Note for the “development” or “production” of integrated circuits or devices, using GAAFET structures. Integrated circuits produced with GAAFET technology are more efficient and capable than those produced with earlier architectures. It is

expected that the scaled and dense microchips produced with GAAFET technology will also be more tolerant to the effects of radiation. The greater efficiency and lower power consumption of GAAFET-produced chips enable faster and more robust artificial intelligence and other military and commercial applications.

ECCN 3E905 focuses on the “technology” (“required”) for the “development” and “production” of GAAFET structures, while existing technology controls in ECCNs 3E001 and 3E002 focus on integrated circuits and devices regardless of the transistor structure used, *i.e.*, the transistor structure is not a “required” element of the 3E001 or 3E002 controls. The items paragraph includes a note that states that “3E905 includes ‘process recipes’,” which are defined in a technical note as “a set of conditions and parameters for a particular process step.” BIS is adding a note to the Related Control paragraph to assist industry in applying the controls of this ECCN. The text in Related Control Note 1 reads, “ECCN 3E905 applies to process “technology” exclusively for the “development” or “production” of GAAFET structures of integrated circuits at a semiconductor wafer production facility. ECCN 3E905 does not, for example, control an integrated circuit design such as the physical layout file in GDSII format or EDA tools, or any other technology used to produce the physical layout file for integrated circuit design.” For these reasons, BIS does not believe there is an overlap of controls between ECCN 3E905 and 3E001 or 3E002. Industry is invited to submit comments on the clarity of the control text of this ECCN, as well as the clarification statement BIS input in the Related Control paragraph.

Because ECCN 3E905 was never intended to control GAAFET architecture for 3D NAND, *i.e.*, vertical GAAFET architecture, note 2 is added to the Related Controls paragraph to state: “2. ECCN 3E905 does not apply to vertical GAAFET architectures, *e.g.*, those used for 3D NAND.”

A license is required to export, reexport, or transfer (in-country) “technology” specified in ECCN 3E905 to all destinations as specified pursuant to the national security controls and license review policy set forth in § 742.4(a)(5) and (b)(10) of the EAR, and regional stability controls and license review policy set forth in § 742.6(a)(10) and (b)(11) of the EAR, and Anti-terrorism (AT) column 1 of the Commerce Country Chart in supplement no. 1 to part 738 of the EAR.

4A906 Quantum computers and related “electronic assemblies” and “components” therefor.

The addition of controls in ECCN 4A906 relies on two main criteria: first, the number of physical qubits that are connected and fully controllable, and second, the average error rate of the Controlled NOT (C–NOT) gate. The first is a measure of engineering advances in component design and system integration that will enable scaling of quantum computers to very large systems. To reach a scale in the hundreds to thousands of qubits requires many advances in the design, manufacturing, and integration of the main components of the system such as the qubit processor, readout, qubit control, etc. The second criterion is a measure of the quality of the qubits. The combination of both metrics is more indicative of technological advances in the development of quantum computers of concern than either criterion on its own. For example, very advanced systems that have extremely good quality qubits and gates, but a relatively small qubit count, could be more scalable than systems with a higher qubit count but lower quality qubits and gates and are captured by the thresholds for the C–NOT gate error rates.

However, this second metric still depends on the number of qubits. Systems with a higher number of qubits can tolerate higher error rates but still support error rate mitigation or error correction techniques. The physical error rate needed to support these operations increases (*i.e.*, can tolerate higher error rates) with increased qubit count and plateaus around 2,000 qubits at an error rate at 10^{-2} .

BIS has determined that a near-term generation of quantum computers will support 34 or more ‘fully controlled’, ‘connected’ and ‘working’ ‘physical qubits’ at the specified error rates, and that this number of qubits and error rate represents a high level of technological sophistication warranting national security, regional stability, and anti-terrorism controls.

For these reasons, BIS adds ECCN 4A906 to the CCL to control quantum computers and related “electronic assemblies” and “components” therefor. Paragraph 4A906.a controls specified quantum computers. Paragraph 4A906.b controls qubit devices and qubit circuits, containing or supporting arrays of ‘physical qubits’, and “specially designed” for items specified by 4A906.a. Paragraph 4A906.c controls quantum control components and quantum measurement devices, “specially designed” for items specified

by 4A906.a. ECCN 4A906 includes several notes that should assist the public in determining the application of these controls. The technical notes to ECCN 4A906 include definitions for terms such as ‘physical qubit,’ ‘fully controlled,’ ‘connected,’ ‘working,’ ‘C–NOT error,’ as well as an explanation of the phrase “‘fully controlled’, ‘connected’, ‘working’ ‘physical qubits’.”

Items specified in ECCN 4A906 are controlled for national security reasons to all destinations as specified pursuant to the national security controls and license review policy set forth in § 742.4(a)(5) and (b)(10) of the EAR, and regional stability controls and license review policy set forth in § 742.6(a)(10) and (b)(11) of the EAR, and Anti-terrorism (AT) column 1 of the Commerce Country Chart in supplement no. 1 to part 738 of the EAR.

4D001 “Software”.

Paragraph 4D001.a is revised by adding ECCN 4A906 to the exception parenthetical for 4D.

4D906 “Software” “specially designed” or modified for the “development” or “production”, of commodities controlled by 4A906.b or 4A906.c.

BIS is adding ECCN 4D906 to the CCL to control “software” “specially designed” or modified for the “development” or “production” of commodities controlled by 4A906.b or 4A906.c.

“Software” specified in ECCN 4D906 is controlled for national security reasons to all destinations as specified pursuant to the national security controls and license review policy set forth in § 742.4(a)(5) and (b)(10) of the EAR, and regional stability controls and license review policy set forth in § 742.6(a)(10) and (b)(11) of the EAR, and Anti-terrorism (AT) column 1 of the Commerce Country Chart in supplement no. 1 to part 738 of the EAR.

4E001 “Technology”.

Paragraph 4E001.a is amended by adding 4A906 and 4D906 to the exception parentheticals of 4A and 4D, respectively.

4E906 “Technology” according to the General Technology Note.

BIS adds ECCN 4E906 to the CCL to control in 4E906.a “technology” for the “development” or “production” of items controlled by 4A906.b, 4A906.c, or 4D906; and to control in 4E906.b “technology” for the “use” of “software” controlled by 4D906.

“Technology” specified in ECCN 4E906 is controlled for national security reasons to all destinations as specified

pursuant to the national security controls and license review policy set forth in § 742.4(a)(5) and (b)(10) of the EAR, and regional stability controls and license review policy set forth in § 742.6(a)(10) and (b)(11) of the EAR, and Anti-terrorism (AT) column 1 of the Commerce Country Chart in supplement no. 1 to part 738 of the EAR.

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 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. Executive Orders 12866, 13563, and 14094 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects and distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits and of reducing costs, harmonizing rules, and promoting flexibility.

This interim final rule has been designated a “significant regulatory action” under section 3(f) of Executive Order 12866, as amended by Executive Order 14094.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. Although this rule makes important changes to the EAR for items controlled for national security reasons, BIS believes that the overall increases in burdens and costs associated with the following information collections due to this rule are estimated to increase the number of submissions by 800 which is not expected to exceed the current approved estimates.

- 0694–0088 “Simplified Network Application Processing System,” which carries a burden-hour estimate of 29.6 minutes for a manual or electronic submission;
- 0694–0137 “License Exceptions and Exclusions,” which carries a burden-

hour estimate average of 1.5 hours per submission (Note: submissions for License Exceptions are rarely required);

- 0694–0096 “Five Year Records Retention Period,” which carries a burden-hour estimate of less than 1 minute; and
- 0607–0152 “Automated Export System (AES) Program,” which carries a burden-hour estimate of 3 minutes per electronic submission.

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

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

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

15 CFR Part 736 and 772

Exports

15 CFR Part 738

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

15 CFR Part 740

Administrative practice and procedure, Exports, Incorporation by reference, Reporting and recordkeeping.

15 CFR Part 742.

Exports, Terrorism

15 CFR Part 743

Administrative practice and procedure, Exports, Reporting and recordkeeping.

15 CFR Part 774

Exports, Reporting and recordkeeping requirements.

Accordingly, parts 736, 738, 740, 742, 743, 772, and 774 of the Export Administration Regulations (15 CFR

parts 730 through 774) are amended as follows:

PART 736—GENERAL PROHIBITIONS

■ 1. The authority citation for part 736 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. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p. 168; Notice of November 8, 2022, 87 FR 68015, 3 CFR, 2022 Comp., p. 563; Notice of May 8, 2023, 88 FR 30211 (May 10, 2023).

■ 2. Supplement No. 1 is amended by adding paragraph (f) to read as follows:

Supplement No. 1 to Part 736—General Orders

* * * * *

(f) *General Order No. 6.* General Order No. 6 of September 6, 2024.

(1) *GAAFET exports, reexports, and transfers (in-country).* This General License (GL) authorizes the export, reexport, or transfer (in-country) of GAAFET “technology” specified in ECCN 3E905 for the “development” or “production” of integrated circuits to end users located in a destination specified in Country Group A:5 or A:6 of supplement no. 1 to part 740 of the EAR when that “development” or “production” began to be performed on or prior to September 6, 2024.

(2) *GAAFET grandfather clause for deemed exports and deemed reexports.* This GL authorizes deemed exports or deemed reexports of GAAFET “technology” specified in ECCN 3E905 (including for future advancements or versions of the same “technology”) to foreign person employees or contractors already employed by entities as of September 6, 2024 whose most recent country of citizenship or permanent residency is a destination specified in Country Group D:1 or D:5, and who are not prohibited persons under part 744 of the EAR, *e.g.*, not listed on the Entity List (supplement no. 4 to part 744), Unverified List (supplement no. 6 to part 744), Military End-User List (supplement no. 7 to part 744), or listed on the Denied Persons List (<https://www.bis.gov>). BIS notes that for purposes of §§ 742.4(a)(5) and 742.6(a)(10), the employee need not be a permanent and regular employee as that term is defined in § 734.20(d), *e.g.*, they may be newly hired.

(3) *Quantum deemed exports and deemed reexports.* This GL authorizes deemed exports or deemed reexports of quantum “technology” and “software” in ECCNs 3D901 (for “software” for quantum items in ECCNs 3A901.b, 3B904), 3E901 (for “technology” for quantum items in 3A901, 3A904, 3B904, 3C907, 3C908, 3C909), and “technology” for quantum items in ECCNs 4D906 or 4E906, to foreign persons whose most recent country of citizenship or permanent residency is a destination specified in Country Group D:1 or D:5 and

who are not prohibited persons under part 744 of the EAR, *e.g.*, not listed on the Entity List (supplement no. 4 to part 744), Unverified List (supplement no. 6 to part 744), Military End-User List (supplement no. 7 to part 744), or listed on the Denied Persons List (<https://www.bis.gov>). BIS notes that for purposes of §§ 742.4(a)(5) and 742.6(a)(10), the employee need not be a permanent and regular employee as that term is defined in § 734.20(d), *e.g.*, they may be newly hired.

(4) *Reporting requirements.* Exports, reexports, and transfers (in-country), including deemed exports and deemed reexports, under this GL are subject to annual reporting requirements in accordance with § 743.7 of the EAR for GAAFET items in paragraph (f)(1) and (f)(2) of this general order and § 743.8 for quantum items in paragraph (f)(3) of this general order.

(5) *End-use and end-user restrictions—(i) Restrictions related to part 744 of the EAR.*

The GL under paragraph (f) of this supplement does not overcome the license requirements of § 744.11 or § 744.21 of the EAR when an entity listed in supplements no. 4 or 7 to part 744 of the EAR is a party to the transaction as described in § 748.5(c) through (f) of the EAR, or when there is knowledge of any other prohibited end user or end user (other than the provisions of § 744.23 of the EAR).

(ii) *End-user restriction.* The GL under paragraph (f)(1) or (f)(2) of this supplement cannot be used for the “development” or “production” of any item identified under paragraph (d)(2)(i) of this supplement where the “part,” “component,” or “equipment” is “developed” or “produced” at the direction of an entity that is headquartered in, or whose ultimate parent company is headquartered in a destination specified in Country Group D:1 or D:5 in supplement no. 1 to part 740 of the EAR.

(6) *Recordkeeping requirement.* All exports, reexports, transfer (in-country), and exports from abroad shipped under the authorization of this GL, including deemed exports and deemed reexports of “technology” and “software,” are subject to the recordkeeping requirements of part 762 of the EAR.

PART 738—COMMERCE CONTROL LIST OVERVIEW AND THE COUNTRY CHART

■ 3. The authority citation for part 738 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.*; 10 U.S.C. 8720; 10 U.S.C. 8730(e); 22 U.S.C. 287c; 22 U.S.C. 2151 note; 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 42 U.S.C. 2139a; 15 U.S.C. 1824; 50 U.S.C. 4305; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; 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 738.2 is amended by revising paragraph (d)(1) to read as follows:

§ 738.2 Commerce Control List (CCL) structure.

* * * * *

(d) *Entries*—(1) *Composition of an entry*. Within each group, individual items are identified by an Export Control Classification Number (ECCN). Each number consists of a set of digits and a letter. The first digit identifies the

general category within which the entry falls (e.g., 3A001). The letter immediately following this first digit identifies under which of the five groups the item is listed (e.g., 3A001). The second and third digits differentiate

individual entries by identifying the type of controls associated with the items contained in the entry (e.g., 3A001). Table 1 lists the Reasons for Control associated with this second and third digits.

TABLE 1 TO PARAGRAPH (d)(1) INTRODUCTORY TEXT

Last 3 digits of an ECCN	Reason for control
000–099	National Security (NS).
100–199	Missile Technology (MT).
200–299	Nuclear Nonproliferation (NP).
300–399	Chemical and Biological (CB).
500–599	Firearms, “Spacecraft,” and related commodities controlled for NS and other reasons.
600–699	Wassenaar Arrangement Munitions List (WAML) or former U.S. Munitions List (USML) controlled for NS and other reasons.
900–979	Plurilateral NS and Regional Stability (RS) and other reasons.
980–989	Crime Control (CC), Short Supply (SS).
990–999	Anti-terrorism (AT), RS, United Nations Sanctions (UN).

(i) Reasons for Control are not mutually exclusive and numbers are assigned in order of precedence. As an example, if an item is controlled for both National Security and Missile Technology reasons, the entry’s third alphanumeric character will be a “0”. If the item is controlled only for Missile Technology the third alphanumeric character will be “1”.

(ii) The numbers in either the second or third digit (e.g., 3A001) serve to differentiate between multilateral, plurilateral, and unilateral entries. For example, an entry with the number “99” as the second and third digit, identifies the entire entry as controlled for a unilateral concern (e.g., 2B991 for anti-terrorism reasons). If the second digit is a “2” and the third digit is a “9”, the item is controlled for unilateral purposes based on a nuclear proliferation concern (e.g., 2A290 is controlled for unilateral purposes based on nuclear nonproliferation concerns).

(iii) The last digit within each entry (e.g., 3A001) is used for the sequential numbering of ECCNs to differentiate between entries on the CCL.

(iv) Last two characters in a “600 series” ECCN. The last two characters of each “600 series” ECCN generally track the Wassenaar Arrangement Munitions List (WAML) categories for the types of items at issue. The WAML ML21 (“software”) and ML22 (“technology”) are, however, included in D (“software”) and E (“technology”) CCL product groups to remain consistent with the structure of the CCL.

* * * * *

PART 740—LICENSE EXCEPTIONS

■ 5. The authority citation for 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.

■ 6. Section 740.2 is amended by adding paragraph (a)(22) to read as follows:

§ 740.2 Restrictions on all License Exceptions.

* * * * *

(a) * * *

(22) The item being exported, reexported, or transferred (in-country) is eligible for § 740.24 and the license exception is other than IEC, TMP, RPL, GOV, or TSU, subject to the limitations in this paragraph (a)(22). License Exception IEC is available as specified in § 740.24. License Exception TMP is restricted to eligibility under the provisions of § 740.9(a)(3) and (a)(6); RPL is restricted to eligibility under the provisions of § 740.10; GOV is restricted to eligibility under the provisions of § 740.11(b); and TSU is restricted to eligibility under the provisions of § 740.13(a) and (c).

* * * * *

■ 7. Part 740 is amended by adding § 740.24 to read as follows:

§ 740.24 Implemented Export Control (IEC).

(a) *Scope*. License Exception Implemented Export Controls (IEC) authorizes exports, reexports, and transfers (in-country) in accordance with *License Exception IEC Eligible Items and Destinations*, see paragraphs (b) and (c) of this section.

(b) *Eligible items and destinations*. License Exception IEC authorizes specified items to be exported, reexported, or transferred (in-country) to, among, or within specified destinations, as identified for each

respective item, in accordance with *License Exception IEC Eligible Items and Destinations*. See paragraph (c) of this section.

(c) *Incorporation by reference*. *License Exception Implemented Export Controls (IEC) Eligible Items and Destinations*, last modified August 27, 2024, is incorporated by reference into this section with the approval of the Director of the **Federal Register** under 5 U.S.C. 552(a) and 1 CFR part 51. This material is available for inspection at the BIS and at the National Archives and Records Administration (NARA). Contact BIS at: BIS Office of National Security Controls, phone: 202–482–0092; email: LicenseExceptionIEC@bis.doc; website: www.bis.gov. 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. The material may be obtained from BIS and is available for inspection on the BIS website at <https://www.bis.gov/articles/license-exceptions#license-exception-IEC>.

PART 742—CONTROL POLICY—CCL BASED CONTROLS

■ 8. The authority citation for part 742 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; Sec. 1503, Pub. L. 108–11, 117 Stat. 559; 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. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23, 68 FR 26459, 3 CFR, 2004 Comp., p. 320; Notice of November 1, 2023, 88 FR 75475 (November 3, 2023).

■ 9. Section 742.4 is amended by adding paragraphs (a)(5) and (b)(10) to read as follows:

§ 742.4 National security.

(a) * * *

(5)(i) *Scope*. A license is required for national security reasons to export or reexport any item subject to the EAR and specified on the Commerce Control List (supplement no. 1 to part 774) to any destination worldwide when the ECCN includes an NS license requirement that references this paragraph (a)(5) in the license requirement table of the ECCN.

(ii) *Deemed export and deemed reexport exclusions*. The license requirements in paragraph (a)(5)(i) of this section do not apply to deemed exports or deemed reexports of “technology” or “software” to the extent consistent with paragraphs (a)(5)(ii)(A) and (B) of this section.

(A) *Grandfather Exclusion*. Except for deemed exports or deemed reexports of “technology” in ECCN 3E905 to foreign persons whose most recent country of citizenship or permanent residency is a destination specified in Country Group D:1 or D:5 in supplement no. 1 to part 740 of the EAR (see GAAFET General License in supplement no. 1 to part 736 general order no. 4), the license requirements in paragraph (a)(5)(i) of this section do not apply to deemed exports or deemed reexports of “technology” or “software,” including for future advancements or versions of the same “technology” or “software,” to employees or contractors already employed by entities subject to this control as of September 6, 2024, and who are not prohibited persons under part 744 of the EAR, *e.g.*, not listed on the Entity List (supplement no. 4 to part 744), Unverified List (supplement no.6 to part 744), Military End-User List (supplement no. 7 to part 744) or listed on the Denied Persons List (<https://www.bis.doc.gov>). For purposes of this paragraph (a)(5)(ii), the employee need not be a permanent and regular employee as that term is defined in § 734.20(d), *e.g.*, they may be newly hired.

(B) *Deemed export and deemed reexport exclusion—(i) Limited exclusion*. There is a limited deemed export or deemed reexport exclusion from the license requirements in this paragraph (a)(5)(i) of this section for the following “software” or “technology” ECCNs unless for foreign persons whose most recent citizenship or permanent residency is a destination specified in Country Group D:1 or D:5: ECCNs 2D910; 2E910; 3D001 (“software” for “EUV” masks and reticles in ECCN

3B001.q); 3D901 (for “software” for quantum items in ECCNs 3A901.b and 3B904 and for scanning electron microscopes (SEM) in ECCN 3B903); 3D907 “software” designed to extract “GDSII” or equivalent data; 3E001 (“technology” for “EUV” masks and reticles in ECCN 3B001.q); and 3E901 (for “technology” for quantum items in 3A901, 3A904, 3B904, 3C907, 3C908, and 3C909, and for SEMs in ECCN 3B903); 3E905 (“technology” according to the General Technology Note for the “development” or “production” of integrated circuits or devices, using “Gate all-around Field-Effect Transistor” (“GAAFET”) structures); and “technology” (for quantum items in ECCNs 4D906 or 4E906).

(ii) *Full exclusion*. There is a full deemed export or deemed reexport exclusion from the license requirement in this paragraph (a)(5)(i) for “technology” and “software” in ECCNs 3D001, 3D002, and 3E001 for anisotropic dry plasma etch equipment and isotropic dry etch equipment in 3B001.c.1.a and c.1.c.

(b) * * *

(10) *License review policy for items specified in paragraph (a)(5)*. License applications to export or reexport items described in paragraph (a)(5)(i) of this section to destinations specified in Country Group A:1, A:5, and A:6, see supplement no. 1 to part 740 of the EAR, will be reviewed with a presumption of approval. License applications to export or reexport items described in paragraph (a)(5)(i) of this section to destinations specified in Country Groups D:1 or D:5 of supplement no. 1 to part 740 of the EAR will be reviewed under a presumption of denial. License applications to export or reexport items described in paragraph (a)(5)(i) of this section to any other destination will be reviewed on a case-by-case basis, unless subject to a more restrictive NS policy in this section.

* * * * *

■ 10. Section 742.6 is amended by adding paragraphs (a)(10) and (b)(11), to read as follows:

§ 742.6 Regional stability.

(a) * * *

(10)(i) *Scope*. A license is required for regional stability reasons to export or reexport any item subject to the EAR and listed on the Commerce Control List (supplement no. 1 to part 774) to any destination worldwide when the ECCN includes an RS license requirement that references this (a)(10) paragraph in the license requirement table.

(ii) *Deemed export and deemed reexport exclusions*. The license

requirements in paragraph (a)(10)(i) of this section do not apply to deemed exports or deemed reexports to the extent consistent with paragraphs (a)(10)(ii)(A) and (B) of this section.

(A) *Grandfather clause*. Except for deemed exports or deemed reexports of “technology” in ECCN 3E905 to foreign persons whose most recent country of citizenship or permanent residency is a destination specified in Country Group D:1 or D:5 in supplement no. 1 to part 740 of the EAR (see GAAFET General License in supplement no. 1 to part 736 general order no. 4), the license requirements in paragraph (a)(10)(i) of this section do not apply to deemed exports or deemed reexports of “technology” or “software,” including for future advancements or versions of the same “technology” or “software,” to employees or contractors already employed by entities subject to this control as of September 6, 2024, and who are not prohibited persons under part 744 of the EAR, *e.g.*, not listed on the Entity List (supplement no. 4 to part 744), Unverified List (supplement no.6 to part 744), Military End-User List (supplement no. 7 to part 744) or listed on the Denied Persons List (<https://www.bis.doc.gov>). For purposes of this paragraph (a)(10)(ii), the employee need not be a permanent and regular employee as that term is defined in § 734.20(d), *e.g.*, they may be newly hired.

(B) *Deemed export and deemed reexport exclusion—(1) Limited exclusion*. There is a limited deemed export or deemed reexport exclusion from the license requirements in paragraph (a)(10)(i) of this section for the following “software” or “technology” ECCNs, unless for foreign persons whose most recent citizenship or permanent residency is a destination specified in Country Group D:1 or D:5: 2D910; 2E910; 3D001 (“software” for “EUV” masks and reticles in ECCN 3B001. q); 3D901 (for “software” for quantum items in ECCNs 3A901.b, 3B904 and scanning electron microscopes (SEM) in ECCN 3B903); 3D907 “software” designed to extract “GDSII” or equivalent data; 3E001 (“technology” for “EUV” masks and reticles in ECCN 3B001.q), 3E901 (for “technology” for quantum items in 3A901, 3A904, 3B904, 3C907, 3C908, and 3C909, and for SEMs in ECCN 3B903); 3E905 (“technology” according to the General Technology Note for the “development” or “production” of integrated circuits or devices, using “Gate all-around Field-Effect Transistor” (“GAAFET”) structures); and “technology” for quantum items in ECCNs 4D906 or 4E906.

(2) *Full exclusion.* There is a full deemed export and reexport exclusion in § 742.6(a)(6)(iv) that conveys to the license requirement in this paragraph (a)(10) for “technology” and “software” in ECCNs 3D001, 3D002, and 3E001 for anisotropic dry plasma etch equipment and isotropic dry etch equipment in 3B001.c.1.a and c.1.c.

(b) * * *

(11) *License review policy for items specified in paragraph (a)(10).* License applications to export or reexport items described in paragraph (a)(10) of this section to destinations specified in Country Group A:1, A:5, and A:6, see supplement no. 1 to part 740 of the EAR, will be reviewed with a presumption of approval. License applications to export or reexport items described in paragraph (a)(10) of this section to destinations specified in Country Groups D:1 or D:5 of supplement no. 1 to part 740 of the EAR will be reviewed under a presumption of denial. License applications to export or reexport items described in paragraph (a)(10) of this section to any other destination will be reviewed on a case-by-case basis, unless subject to a more restrictive RS policy in this section.

* * * * *

PART 743—SPECIAL REPORTING AND NOTIFICATION

■ 11. The authority citation for part 743 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. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13637, 78 FR 16129, 3 CFR, 2014 Comp., p. 223; 78 FR 16129.

■ 12. Part 743 is amended by adding sections 743.7 and 743.8, to read as follows:

§ 743.7 Reporting on GAAFET General License.

(a) *Transactions to be reported.* (1) *Annual Reports.* Annual reports are required for any export, reexport, or transfer (in-country) of “technology” specified in ECCN 3E905 that is not authorized by an individual validated license but is authorized pursuant to the GAAFET General License in General Order No. 6 paragraph (f)(1) or (f)(2) in supplement no. 1 to part 736 of the EAR.

(2) *Termination reports.* Companies that use the GAAFET General License for deemed exports and reexports to current employees of “technology” specified in ECCN 3E905 must report to BIS the voluntary or involuntary termination of employment of foreign person employees whose most recent country of citizenship or permanent

residency is a destination specified in Country Group D:1 or D:5 within 30 days of termination.

(b) *Party responsible for reporting.* The entity who exported or reexported the items must ensure the reports required by this section are submitted to BIS.

(c) *Information to be included in the reports—*(1) *Annual report information.* The annual report must include the following:

(A) Description of the “technology”;

(B) All parties, including name and address, involved in the collaboration; and

(C) End item of the “technology,” including a description and ECCN of the end item (if known).

(2) *Termination report information.* The termination report must include the following:

(A) Name of foreign person;

(B) Name of host company;

(C) If they are leaving the United States to go to a destination specified in Country Group D:1 or D:5 (if known); and

(D) If they are leaving to change employers within the United States.

(d) *Annual reporting requirement.* (1) You must submit the first report on November 5, 2024 subject to the provisions of this section. The report must be labeled with the exporting company’s name and address at the top of each page and must include all the information specified in paragraph (c) of this section. The annual report shall cover collaboration occurring during the time between September 6, 2024 and October 28, 2024. Thereafter, reports are due according to the provisions of paragraph (d)(2) of this section.

(2) Annual reports for the reporting period ending December 31 must be received by BIS no later than February 1.

(e) *Where to submit GAAFET General License reports—*Report may be emailed to EAR.Reports@bis.doc.gov and must include “Annual report for GAAFET General License” or “Termination report for GAAFET General License” in the subject line, whichever is appropriate.

(f) *Contacts.* General information concerning the GAAFET General License report is available from the Office of National Security Controls, Tel. (202) 482–0092, or Email: EAR.Reports@bis.doc.gov.

§ 743.8 Reporting on quantum deemed exports and deemed reexports.

(a) *Requirement.* A report must be submitted to BIS in accordance with this section for the deemed export or deemed reexport under General License

in General Order no. 6 in paragraph (f)(3) of supplement no. 1 to part 736 of the EAR to foreign person employees whose most recent country of citizenship or permanent residency is a destination specified in Country Group D:1 or D:5 of quantum “software” or “technology” specified in the following ECCNs: 3D901 (for 3A901.b, 3B904), 3E901 (for 3A901, 3A904, 3B904, 3C907, 3C908, 3C909), 4D906, or 4E906.

(b) *Party responsible for reporting.* The entity who released the specified “software” or “technology” must ensure the reports required by this section are properly submitted to BIS.

(c) *Information to be included in the reports.* The report must include the following:

(1) The name, address and point of contact of the entity that made the release;

(2) Description of the “software” or “technology”;

(3) Foreign person information, including all the information that would be provided in a deemed export license application, see guidelines for deemed export license applications under the learn and support tab of the BIS website at www.bis.gov;

(4) End item of the “technology” or “software” including a description and ECCN of the end item (if known); and

(5) The exporting company’s name and address must appear at the top of each page.

(d) *Annual reporting requirement.* (1) You must submit the first report on November 5, 2024 subject to the provisions of this section. The report shall cover any releases during the time between September 6, 2024 and October 28, 2024. Thereafter, reports are due according to the provisions of paragraph (d)(2) of this section.

(2) Reports for the reporting period ending December 31 must be received by BIS no later than February 1.

(e) *Termination reporting.* When a foreign person, who has had access to “software” or “technology” identified in paragraph (a) of this section, leaves your employment or academic institution, you must report the name, host company or university, and if known, if they are leaving the United States to go be employed in a destination specified in Country Group D:1 or D:5 or if they are leaving to change employer or university within the United States. This report is due within 30 days of the foreign person’s last day with the host company or university.

(f) *Where to submit Quantum General License reports—*Report may be emailed to EAR.Reports@bis.doc.gov and must include “Quantum General License Report” in the subject line.

(g) *Contacts*. General information concerning the "Quantum General License Report" is available from the Office of National Security Controls, Tel. (202) 482-0092, or Email: EAR.Reports@bis.doc.gov.

PART 772—DEFINITIONS OF TERMS

■ 13. The authority citation for part 772 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. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

■ 14. Section 772.1 is amended by adding in alphabetic order the definition for "GDSII" to read as follows:

§ 772.1 Definitions of terms as used in the Export Administration Regulations (EAR).

* * * * *
GDSII ("Graphic Design System II") (Cat 3) is a database file format for data exchange of integrated circuit artwork or integrated circuit layout artwork.
* * * * *

PART 774—[AMENDED]

■ 15. The authority citation for part 774 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.*; 10 U.S.C. 8720; 10 U.S.C. 8730(e); 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 42 U.S.C. 2139a; 15 U.S.C. 1824; 50 U.S.C. 4305; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

- 16. Supplement no. 1 to part 774 is amended by:
- a. Adding ECCNs 2B910, 2D910;
- b. Revising ECCN 2E003;
- c. Adding ECCNs 2E903 and 2E910;
- d. Revising Notes 1 and 2 and a Nota Bene in Category 3, Product Group A;
- e. Revising ECCN 3A001;
- f. Adding ECCNs 3A901 and 3A904;
- g. Revising ECCN 3B001;
- h. Adding ECCNs 3B903 and 3B904;
- i. Revising ECCN 3C001;
- j. Adding ECCNs 3C907, 3C908, and 3C909;
- k. Revising ECCNs 3D001 and 3D002;
- l. Adding ECCNs 3D901 and 3D907;
- m. Adding a Note and a Technical Note to Category 3 to Product Group E;
- n. Revising ECCN 3E001;
- o. Adding ECCNs 3E901, 3E905 and 4A906;
- p. Revising ECCNs 4D001;
- q. Adding ECCN 4D906;
- r. Revising ECCN 4E001; and
- s. Adding ECCN 4E906.

The additions and revision read as follows:

Supplement No. 1 to Part 774—The Commerce Control List

* * * * *

2B910 Additive manufacturing equipment, designed to produce metal or metal alloy components, having all of the following (see List of Items Controlled), and "specially designed" "components" therefor.

License Requirements

Reason for Control: NS, RS, AT

<i>Control(s)</i>	<i>Country chart (see Supp. No. 1 to part 738)</i>
NS applies to entire entry.	Worldwide control. See § 742.4(a)(5) and (b)(10) of the EAR.
RS applies to entire entry.	Worldwide control. See § 742.6(a)(10) and (b)(11) of the EAR.
AT applies to entire entry	AT Column 1.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A
GBS: N/A
IEC: Yes, see § 740.2(a)(22) and § 740.24 of the EAR.

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in this ECCN to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: For related "technology" see ECCN 2E910.

Related Definitions: N/A
Items:

- a. Having at least one of the following consolidation sources:
 - a.1. "Laser";
 - a.2. Electron beam; *or*
 - a.3. Electric arc;
- b. Having a controlled process atmosphere of any of the following:
 - b.1. Inert gas; *or*
 - b.2. Vacuum (equal to or less than 100 Pa);
 - c. Having any of the following 'in-process monitoring' equipment in a 'co-axial configuration' or 'paraxial configuration':
 - c.1. Imaging camera with a peak response in the wavelength range exceeding 380 nm but not exceeding 14,000 nm;
 - c.2. Pyrometer designed to measure temperatures greater than 1,273.15K (1,000 °C); *or*
 - c.3. Radiometer or spectrometer with a peak response in the wavelength range exceeding 380 nm but not exceeding 3,000 nm; *and*
 - d. A closed loop control system designed to modify the consolidation source parameters, build path, or equipment settings during the build cycle in response to feedback from 'in-process monitoring' equipment specified in 2B010.c.

Technical Notes: For the purposes of 2B910:
1. 'In-process monitoring', also known as *in-situ process monitoring*, pertains to the observation and measurement of the additive

manufacturing process including electromagnetic, or thermal, emissions from the melt pool.

2. 'Co-axial configuration', also known as on-axis or inline configuration, pertains to one or more sensors that are mounted in an optical path shared by the "laser" consolidation source.

3. 'Paraxial configuration' pertains to one or more sensors that are physically mounted onto or integrated into the "laser", electron beam, or electric arc consolidation source component.

4. For both 'co-axial configuration' and 'paraxial configuration', the field of view of the sensor(s) is fixed to the moving reference frame of the consolidation source and moves in the same scan trajectories of the consolidation source throughout the build process.

* * * * *

2D910 "Software", not specified elsewhere, "specially designed" or modified for the "development" or "production" of equipment specified in ECCN 2B910.

License Requirements

Reason for Control: NS, RS, AT

<i>Control(s)</i>	<i>Country chart (see Supp. No. 1 to part 738)</i>
NS applies to entire entry.	Worldwide control. See § 742.4(a)(5) and (b)(10) of the EAR.
RS applies to entire entry.	Worldwide control. See § 742.6(a)(10) and (b)(11) of the EAR.
AT applies to entire entry	AT Column 1.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A
IEC: Yes, see § 740.2(a)(22) and § 740.24 of the EAR.

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in this ECCN to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No. 1 to part 740 of the EAR).

List of Items Controlled

Related Controls: N/A
Related Definitions: N/A
Items: The list of items controlled is contained in the ECCN heading.

* * * * *

2E003 Other "technology", as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, AT

<i>Control(s)</i>	<i>Country chart (see Supp. No. 1 to part 738)</i>
NS applies to entire entry.	NS Column 1.
AT applies to entire entry	AT Column 1.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: Yes, except 2E003.b, .e and .f

List of Items Controlled

Related Controls: (1) See 2E001, 2E002, and 2E101 for “development” and “use” technology for equipment that are designed or modified for densification of carbon-carbon composites, structural composite rocket nozzles and reentry vehicle nose tips. (2) See 2E903 for “technology”, not specified elsewhere, for the “development” or “production” of coating systems (as defined in 2E903).

Related Definitions: N/A

Items:

- a. [Reserved]
- b. “Technology” for metal-working manufacturing processes, as follows:
 - b.1. “Technology” for the design of tools, dies or fixtures “specially designed” for any of the following processes:
 - b.1.a. “Superplastic forming”;
 - b.1.b. “Diffusion bonding”;
 - b.1.c. “Direct-acting hydraulic pressing”;
 - b.2. [Reserved]

N.B.: For “technology” for metal-working manufacturing processes for gas turbine engines and components, see 9E003 and USML Category XIX.

Technical Note: For the purposes of 2E003.b.1.c, ‘direct-acting hydraulic pressing’ is a deformation process which uses a fluid-filled flexible bladder in direct contact with the workpiece.

- c. “Technology” for the “development” or “production” of hydraulic stretch-forming machines and dies therefor, for the manufacture of airframe structures;
- d. [Reserved]
- e. “Technology” for the “development” of integration “software” for incorporation of expert systems for advanced decision support of shop floor operations into “numerical control” units;
- f. “Technology” for the application of inorganic overlay coatings or inorganic surface modification coatings (specified in column 3 of the following table) to non-electronic substrates (specified in column 2 of the following table), by processes specified in column 1 of the following table and defined in the Technical Note.

* * * * *

2E903 “Technology”, not specified elsewhere, for the “development” or “production” of ‘coating systems’ having all of the following: (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to entire entry.	Worldwide control. See § 742.4(a)(5) and (b)(10) of the EAR.
RS applies to entire entry.	Worldwide control. See § 742.6(a)(10) and (b)(11) of the EAR.
AT applies to entire entry	AT Column 1.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

IEC: Yes, see § 740.2(a)(22) and § 740.24 of the EAR.

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in this ECCN to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: N/A

Related Definitions: N/A

Items:

- a. Designed to protect ceramic “matrix” “composite” materials specified by ECCN 1C007 from corrosion; and
- b. Designed to operate at temperatures exceeding 1,373.15 K (1,100 °C).

Technical Note: For the purposes of 2E903, ‘coating systems’ consist of one or more layers (e.g., bond, interlayer, top coat) of material deposited on the substrate.

* * * * *

2E910 “Technology”, not specified elsewhere, “specially designed” or modified for the “development” or “production” of equipment specified in ECCN 2B910.

License Requirements

Reason for Control: NS, RS, AT

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to entire entry.	Worldwide control. See § 742.4(a)(5) and (b)(10) of the EAR.
RS applies to entire entry.	Worldwide control. See § 742.6(a)(10) and (b)(11) of the EAR.
AT applies to entire entry	AT Column 1.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

IEC: Yes, see § 740.2(a)(22) and § 740.24 of the EAR.

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in this ECCN to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: N/A

Related Definitions: N/A

Items: The list of items controlled is contained in the ECCN heading.

* * * * *

Category 3—Electronics

A. “End Items,” “Equipment,” “Accessories,” “Attachments,” “Parts,” “Components,” and “Systems”

Note 1: The control status of equipment and “components” described in 3A001(other than those described in 3A001.a.3 to 3A001.a.10, 3A001.a.12 to 3A001.a.14, 3A001.b.12, or 3A001.z), 3A002, 3A901, which are “specially designed” for or which have the same functional characteristics as other equipment is determined by the control status of the other equipment.

Note 2: The control status of integrated circuits described in 3A001.a.3 to 3A001.a.9,

3A001.a.12 to 3A001.a.14, 3A001.z or 3A901 that are unalterably programmed or designed for a specific function for other equipment is determined by the control status of the other equipment.

N.B.: When the manufacturer or applicant cannot determine the control status of the other equipment, the control status of the integrated circuits is determined in 3A001.a.3 to 3A001.a.9, or 3A001.a.12 to 3A001.a.14, 3A001.z and 3A901.

* * * * *

3A001 Electronic items as follows (see List of Items Controlled).

Reason for Control: NS, RS, MT, NP, AT

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to “Monolithic Microwave Integrated Circuit” (“MMIC”) amplifiers in 3A001.b.2 and discrete microwave transistors in 3A001.b.3, except those 3A001.b.2 and b.3 items being exported or reexported for use in civil telecommunications applications; and 3A001.z.1.	NS Column 1.
NS applies to entire entry.	NS Column 2.
RS applies “Monolithic Microwave Integrated Circuit” (“MMIC”) amplifiers in 3A001.b.2 and discrete microwave transistors in 3A001.b.3, except those 3A001.b.2 and b.3 items being exported or reexported for use in civil telecommunications applications; and 3A001.z.1.	RS Column 1.
RS applies to 3A001.z ...	To or within destinations specified in Country Groups D:1, D:4, and D:5 of supplement no. 1 to part 740 of the EAR, excluding any destination also specified in Country Groups A:5 or A:6. See § 742.6(a)(6)(iii) of the EAR.
MT applies to 3A001.a.1.a when usable in “missiles”; and to 3A001.a.5.a when “designed or modified” for military use, hermetically sealed and rated for operation in the temperature range from below -54 °C to above +125 °C; and 3A001.z.2.	MT Column 1.
NP applies to pulse discharge capacitors in 3A001.e.2 and superconducting solenoidal electromagnets in 3A001.e.3 that meet or exceed the technical parameters in 3A201.a and 3A201.b, respectively; and 3A001.z.3.	NP Column 1.
AT applies to entire entry	AT Column 1.

Reporting Requirements: See § 743.1 of the EAR for reporting requirements for exports under 3A001.b.2 or b.3 under License Exceptions, and Validated End-User authorizations.

License Requirements: See § 744.17 of the EAR for additional license requirements for microprocessors having a processing speed of 5 GFLOPS or more and an arithmetic logic unit with an access width of 32 bit or more, including those incorporating “information security” functionality, and associated “software” and “technology” for the “production” or “development” of such microprocessors.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A for MT, NP; N/A for “Monolithic Microwave Integrated Circuit” (“MMIC”) amplifiers in 3A001.b.2, discrete microwave transistors in 3A001.b.3, and 3A001.z.1, except those that are being exported or reexported for use in civil telecommunications applications.

Yes for:

\$1500: 3A001.c.

\$3000: 3A001.b.1, b.2 (exported or reexported for use in civil telecommunications applications), b.3 (exported or reexported for use in civil telecommunications applications), b.9, .d, .e, .f, .g, and z.1 (exported or reexported for use in civil telecommunications applications).

\$5000: 3A001.a (except a.1.a and a.5.a when controlled for MT), b.4 to b.7, and b.12.

GBS: Yes for 3A001.a.1.b, a.2 to a.14 (except .a.5.a when controlled for MT), b.2 (exported or reexported for use in civil telecommunications applications), b.8 (except for “vacuum electronic devices” exceeding 18 GHz), b.9., b.10, .g, .h, .i, and z.1 (exported or reexported for use in civil telecommunications applications).

NAC/ACA: Yes, for 3A001.z.

Note: See § 740.2(a)(9)(ii) of the EAR for license exception restrictions for ECCN 3A001.z.

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in 3A001.b.2 or b.3, except those that are being exported or reexported for use in civil telecommunications applications, to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No. 1 to part 740 of the EAR).

List of Items Controlled

Related Controls: (1) See Category XV of the USML for certain “space-qualified” electronics and Category XI of the USML for certain ASICs, “transmit/receive modules,” “transmit modules,” or “MMICs” “subject to the ITAR.” (2) See also 3A090, 3A101, 3A201, 3A611, 3A901 for cryogenic CMOS integrated circuits and parametric signal amplifiers or quantum limited amplifiers not controlled by 3A001, 3A991, and 9A515.

Related Definitions: ‘Microcircuit’ means a device in which a number of passive or active elements are considered as indivisibly associated on or within a

continuous structure to perform the function of a circuit. For the purposes of integrated circuits in 3A001.a.1, 5×10^3 Gy(Si) = 5×10^5 Rads (Si); 5×10^6 Gy (Si)/s = 5×10^8 Rads (Si)/s.

Items:

a. General purpose integrated circuits, as follows:

Note 1: Integrated circuits include the following types:

- “Monolithic integrated circuits”;
- “Hybrid integrated circuits”;
- “Multichip integrated circuits”;
- “Film type integrated circuits”, including silicon-on-sapphire integrated circuits;
- “Optical integrated circuits”;
- “Three dimensional integrated circuits”;
- “Monolithic Microwave Integrated Circuits” (“MMICs”).

a.1. Integrated circuits designed or rated as radiation hardened to withstand any of the following:

a.1.a. A total dose of 5×10^3 Gy (Si), or higher;

a.1.b. A dose rate upset of 5×10^6 Gy (Si)/s, or higher; or

a.1.c. A fluence (integrated flux) of neutrons (1 MeV equivalent) of 5×10^{13} n/cm² or higher on silicon, or its equivalent for other materials;

Note: 3A001.a.1.c does not apply to Metal Insulator Semiconductors (MIS).

a.2. “Microprocessor microcircuits,” “microcomputer microcircuits,” microcontroller microcircuits, storage integrated circuits manufactured from a compound semiconductor, analog-to-digital converters, integrated circuits that contain analog-to-digital converters and store or process the digitized data, digital-to-analog converters, electro-optical or “optical integrated circuits” designed for “signal processing”, field programmable logic devices, custom integrated circuits for which either the function is unknown or the control status of the equipment in which the integrated circuit will be used in unknown, Fast Fourier Transform (FFT) processors, Static Random-Access Memories (SRAMs), or ‘non-volatile memories,’ having any of the following:

Technical Note: For the purposes of 3A001.a.2, ‘non-volatile memories’ are memories with data retention over a period of time after a power shutdown.

a.2.a. Rated for operation at an ambient temperature above 398 K (+125 °C);

a.2.b. Rated for operation at an ambient temperature below 218 K (–55 °C); or

a.2.c. Rated for operation over the entire ambient temperature range from 218 K (–55 °C) to 398 K (+125 °C);

N.B.: For cryogenic CMOS integrated circuits not specified by 3A001.a.2, see 3A901.a.

Note: 3A001.a.2 does not apply to integrated circuits designed for civil automobile or railway train applications.

a.3. “Microprocessor microcircuits,” “microcomputer microcircuits” and microcontroller microcircuits, manufactured from a compound semiconductor and operating at a clock frequency exceeding 40 MHz;

Note: 3A001.a.3 includes digital signal processors, digital array processors and digital coprocessors.

a.4. [Reserved]

a.5. Analog-to-Digital Converter (ADC) and Digital-to-Analog Converter (DAC) integrated circuits, as follows:

a.5.a. ADCs having any of the following:

a.5.a.1. A resolution of 8 bit or more, but less than 10 bit, with a “sample rate” greater than 1.3 Giga Samples Per Second (GSPS);

a.5.a.2. A resolution of 10 bit or more, but less than 12 bit, with a “sample rate” greater than 600 Mega Samples Per Second (MSPS);

a.5.a.3. A resolution of 12 bit or more, but less than 14 bit, with a “sample rate” greater than 400 MSPS;

a.5.a.4. A resolution of 14 bit or more, but less than 16 bit, with a “sample rate” greater than 250 MSPS; or

a.5.a.5. A resolution of 16 bit or more with a “sample rate” greater than 65 MSPS;

N.B.: For integrated circuits that contain analog-to-digital converters and store or process the digitized data see 3A001.a.14.

Technical Notes: For the purposes of 3A001.a.5.a:

1. A resolution of n bit corresponds to a quantization of 2^n levels.

2. The resolution of the ADC is the number of bits of the digital output that represents the measured analog input. Effective Number of Bits (ENOB) is not used to determine the resolution of the ADC.

3. For “multiple channel ADCs”, the “sample rate” is not aggregated and the “sample rate” is the maximum rate of any single channel.

4. For “interleaved ADCs” or for “multiple channel ADCs” that are specified to have an interleaved mode of operation, the “sample rates” are aggregated and the “sample rate” is the maximum combined total rate of all of the interleaved channels.

a.5.b. Digital-to-Analog Converters (DAC) having any of the following:

a.5.b.1. A resolution of 10-bit or more but less than 12-bit, with an ‘adjusted update rate’ of exceeding 3,500 MSPS; or

a.5.b.2. A resolution of 12-bit or more and having any of the following:

a.5.b.2.a. An ‘adjusted update rate’ exceeding 1,250 MSPS but not exceeding 3,500 MSPS, and having any of the following:

a.5.b.2.a.1. A settling time less than 9 ns to arrive at or within 0.024% of full scale from a full scale step; or

a.5.b.2.a.2. A ‘Spurious Free Dynamic Range’ (SFDR) greater than 68 dBc (carrier) when synthesizing a full scale analog signal of 100 MHz or the highest full scale analog signal frequency specified below 100 MHz; or

a.5.b.2.b. An ‘adjusted update rate’ exceeding 3,500 MSPS;

Technical Notes: For the purposes of 3A001.a.5.b:

1. ‘Spurious Free Dynamic Range’ (SFDR) is defined as the ratio of the RMS value of the carrier frequency (maximum signal component) at the input of the DAC to the RMS value of the next largest noise or harmonic distortion component at its output.

2. SFDR is determined directly from the specification table or from the characterization plots of SFDR versus frequency.

3. A signal is defined to be full scale when its amplitude is greater than -3 dBfs (full scale).

4. 'Adjusted update rate' for DACs is:

a. For conventional (non-interpolating) DACs, the 'adjusted update rate' is the rate at which the digital signal is converted to an analog signal and the output analog values are changed by the DAC. For DACs where the interpolation mode may be bypassed (interpolation factor of one), the DAC should be considered as a conventional (non-interpolating) DAC.

b. For interpolating DACs (oversampling DACs), the 'adjusted update rate' is defined as the DAC update rate divided by the smallest interpolating factor. For interpolating DACs, the 'adjusted update rate' may be referred to by different terms including:

- input data rate
- input word rate
- input sample rate
- maximum total input bus rate
- maximum DAC clock rate for DAC clock input

a.6. Electro-optical and "optical integrated circuits", designed for "signal processing" and having all of the following:

- a.6.a. One or more than one internal "laser" diode;
- a.6.b. One or more than one internal light detecting element; and
- a.6.c. Optical waveguides;
- a.7. 'Field programmable logic devices' having any of the following:

a.7.a. A maximum number of single-ended digital input/outputs of greater than 700; or

a.7.b. An 'aggregate one-way peak serial transceiver data rate' of 500 Gb/s or greater;

Note: 3A001.a.7 includes:

- Complex Programmable Logic Devices (CPLDs);
- Field Programmable Gate Arrays (FPGAs);
- Field Programmable Logic Arrays (FPLAs);
- Field Programmable Interconnects (FPICs).

N.B.: For integrated circuits having field programmable logic devices that are combined with an analog-to-digital converter, see 3A001.a.14.

Technical Notes: For the purposes of 3A001.a.7:

1. Maximum number of digital input/outputs in 3A001.a.7.a is also referred to as maximum user input/outputs or maximum available input/outputs, whether the integrated circuit is packaged or bare die.

2. 'Aggregate one-way peak serial transceiver data rate' is the product of the peak serial one-way transceiver data rate times the number of transceivers on the FPGA.

a.8. [Reserved]

a.9. [Reserved];

a.10. Custom integrated circuits for which the function is unknown, or the control status of the equipment in which the integrated circuits will be used is unknown to the manufacturer, having any of the following:

- a.10.a. More than 1,500 terminals;
- a.10.b. A typical "basic gate propagation delay time" of less than 0.02 ns; or
- a.10.c. An operating frequency exceeding 3 GHz;

a.11. Digital integrated circuits, other than those described in 3A001.a.3 to 3A001.a.10 and 3A001.a.12, based upon any compound semiconductor and having any of the following:

a.11.a. An equivalent gate count of more than 3,000 (2 input gates); or

a.11.b. A toggle frequency exceeding 1.2 GHz;

a.12. Fast Fourier Transform (FFT) processors having a rated execution time for an N-point complex FFT of less than $(N \log_2 N)/20,480$ ms, where N is the number of points;

Technical Note: For the purposes of 3A001.a.12, when N is equal to 1,024 points, the formula in 3A001.a.12 gives an execution time of 500 μ s.

a.13. Direct Digital Synthesizer (DDS) integrated circuits having any of the following:

a.13.a. A Digital-to-Analog Converter (DAC) clock frequency of 3.5 GHz or more and a DAC resolution of 10 bit or more, but less than 12 bit; or

a.13.b. A DAC clock frequency of 1.25 GHz or more and a DAC resolution of 12 bit or more;

Technical Note: For the purposes of 3A001.a.13, the DAC clock frequency may be specified as the master clock frequency or the input clock frequency.

a.14. Integrated circuits that perform or are programmable to perform all of the following:

a.14.a. Analog-to-digital conversions meeting any of the following:

a.14.a.1. A resolution of 8 bit or more, but less than 10 bit, with a "sample rate" greater than 1.3 Giga Samples Per Second (GSPS);

a.14.a.2. A resolution of 10 bit or more, but less than 12 bit, with a "sample rate" greater than 1.0 GSPS;

a.14.a.3. A resolution of 12 bit or more, but less than 14 bit, with a "sample rate" greater than 1.0 GSPS;

a.14.a.4. A resolution of 14 bit or more, but less than 16 bit, with a "sample rate" greater than 400 Mega Samples Per Second (MSPS); or

a.14.a.5. A resolution of 16 bit or more with a "sample rate" greater than 180 MSPS; and

a.14.b. Any of the following:

a.14.b.1. Storage of digitized data; or

a.14.b.2. Processing of digitized data;

N.B. 1: For analog-to-digital converter integrated circuits see 3A001.a.5.a.

N.B. 2: For field programmable logic devices see 3A001.a.7.

Technical Notes: For the purposes of 3A001.a.14:

1. A resolution of n bit corresponds to a quantization of 2^n levels.

2. The resolution of the ADC is the number of bits of the digital output of the ADC that represents the measured analog input. Effective Number of Bits (ENOB) is not used to determine the resolution of the ADC.

3. For integrated circuits with non-interleaving "multiple channel ADCs", the "sample rate" is not aggregated and the "sample rate" is the maximum rate of any single channel.

4. For integrated circuits with "interleaved ADCs" or with "multiple channel ADCs" that are specified to have an interleaved mode of

operation, the "sample rates" are aggregated and the "sample rate" is the maximum combined total rate of all of the interleaved channels.

b. Microwave or millimeter wave items, as follows:

Technical Note: For the purposes of 3A001.b, the parameter peak saturated power output may also be referred to on product data sheets as output power, saturated power output, maximum power output, peak power output, or peak envelope power output.

N.B.: For parametric signal amplifiers or Quantum-limited amplifiers (QLAs) not specified by 3A001.b, see ECCN 3A901.b.

b.1. "Vacuum electronic devices" and cathodes, as follows:

Note 1: 3A001.b.1 does not control "vacuum electronic devices" designed or rated for operation in any frequency band and having all of the following:

a. Does not exceed 31.8 GHz; and

b. Is "allocated by the ITU" for radio-communications services, but not for radio-determination.

Note 2: 3A001.b.1 does not control non-"space-qualified" "vacuum electronic devices" having all the following:

a. An average output power equal to or less than 50 W; and

b. Designed or rated for operation in any frequency band and having all of the following:

1. Exceeds 31.8 GHz but does not exceed 43.5 GHz; and

2. Is "allocated by the ITU" for radio-communications services, but not for radio-determination.

b.1.a. Traveling-wave "vacuum electronic devices," pulsed or continuous wave, as follows:

b.1.a.1. Devices operating at frequencies exceeding 31.8 GHz;

b.1.a.2. Devices having a cathode heater with a turn on time to rated RF power of less than 3 seconds;

b.1.a.3. Coupled cavity devices, or derivatives thereof, with a "fractional bandwidth" of more than 7% or a peak power exceeding 2.5 kW;

b.1.a.4. Devices based on helix, folded waveguide, or serpentine waveguide circuits, or derivatives thereof, having any of the following:

b.1.a.4.a. An "instantaneous bandwidth" of more than one octave, and average power (expressed in kW) times frequency (expressed in GHz) of more than 0.5;

b.1.a.4.b. An "instantaneous bandwidth" of one octave or less, and average power (expressed in kW) times frequency (expressed in GHz) of more than 1;

b.1.a.4.c. Being "space-qualified"; or

b.1.a.4.d. Having a gridded electron gun;

b.1.a.5. Devices with a "fractional bandwidth" greater than or equal to 10%, with any of the following:

b.1.a.5.a. An annular electron beam;

b.1.a.5.b. A non-axisymmetric electron beam; or

b.1.a.5.c. Multiple electron beams;

b.1.b. Crossed-field amplifier "vacuum electronic devices" with a gain of more than 17 dB;

b.1.c. Thermionic cathodes, designed for "vacuum electronic devices," producing an

emission current density at rated operating conditions exceeding 5 A/cm² or a pulsed (non-continuous) current density at rated operating conditions exceeding 10 A/cm²;

b.1.d. "Vacuum electronic devices" with the capability to operate in a 'dual mode.'

Technical Note: For the purposes of 3A001.b.1.d, 'dual mode' means the "vacuum electronic device" beam current can be intentionally changed between continuous-wave and pulsed mode operation by use of a grid and produces a peak pulse output power greater than the continuous-wave output power.

b.2. "Monolithic Microwave Integrated Circuit" ("MMIC") amplifiers that any of the following:

N.B.: For "MMIC" amplifiers that have an integrated phase shifter see 3A001.b.12.

b.2.a. Rated for operation at frequencies exceeding 2.7 GHz up to and including 6.8 GHz with a "fractional bandwidth" greater than 15%, and having any of the following:

b.2.a.1. A peak saturated power output greater than 75 W (48.75 dBm) at any frequency exceeding 2.7 GHz up to and including 2.9 GHz;

b.2.a.2. A peak saturated power output greater than 55 W (47.4 dBm) at any frequency exceeding 2.9 GHz up to and including 3.2 GHz;

b.2.a.3. A peak saturated power output greater than 40 W (46 dBm) at any frequency exceeding 3.2 GHz up to and including 3.7 GHz; or

b.2.a.4. A peak saturated power output greater than 20 W (43 dBm) at any frequency exceeding 3.7 GHz up to and including 6.8 GHz;

b.2.b. Rated for operation at frequencies exceeding 6.8 GHz up to and including 16 GHz with a "fractional bandwidth" greater than 10%, and having any of the following:

b.2.b.1. A peak saturated power output greater than 10 W (40 dBm) at any frequency exceeding 6.8 GHz up to and including 8.5 GHz; or

b.2.b.2. A peak saturated power output greater than 5 W (37 dBm) at any frequency exceeding 8.5 GHz up to and including 16 GHz;

b.2.c. Rated for operation with a peak saturated power output greater than 3 W (34.77 dBm) at any frequency exceeding 16 GHz up to and including 31.8 GHz, and with a "fractional bandwidth" of greater than 10%;

b.2.d. Rated for operation with a peak saturated power output greater than 0.1 nW (-70 dBm) at any frequency exceeding 31.8 GHz up to and including 37 GHz;

b.2.e. Rated for operation with a peak saturated power output greater than 1 W (30 dBm) at any frequency exceeding 37 GHz up to and including 43.5 GHz, and with a "fractional bandwidth" of greater than 10%;

b.2.f. Rated for operation with a peak saturated power output greater than 31.62 mW (15 dBm) at any frequency exceeding 43.5 GHz up to and including 75 GHz, and with a "fractional bandwidth" of greater than 10%;

b.2.g. Rated for operation with a peak saturated power output greater than 10 mW (10 dBm) at any frequency exceeding 75 GHz up to and including 90 GHz, and with a "fractional bandwidth" of greater than 5%; or

b.2.h. Rated for operation with a peak saturated power output greater than 0.1 nW (-70 dBm) at any frequency exceeding 90 GHz;

Note 1: [Reserved]

Note 2: The control status of the "MMIC" whose rated operating frequency includes frequencies listed in more than one frequency range, as defined by 3A001.b.2.a through 3A001.b.2.h, is determined by the lowest peak saturated power output control threshold.

Note 3: Notes 1 and 2 following the Category 3 heading for product group A. Systems, Equipment, and Components mean that 3A001.b.2 does not control "MMICs" if they are "specially designed" for other applications, e.g., telecommunications, radar, automobiles.

b.3. Discrete microwave transistors that are any of the following:

b.3.a. Rated for operation at frequencies exceeding 2.7 GHz up to and including 6.8 GHz and having any of the following:

b.3.a.1. A peak saturated power output greater than 400 W (56 dBm) at any frequency exceeding 2.7 GHz up to and including 2.9 GHz;

b.3.a.2. A peak saturated power output greater than 205 W (53.12 dBm) at any frequency exceeding 2.9 GHz up to and including 3.2 GHz;

b.3.a.3. A peak saturated power output greater than 115 W (50.61 dBm) at any frequency exceeding 3.2 GHz up to and including 3.7 GHz; or

b.3.a.4. A peak saturated power output greater than 60 W (47.78 dBm) at any frequency exceeding 3.7 GHz up to and including 6.8 GHz;

b.3.b. Rated for operation at frequencies exceeding 6.8 GHz up to and including 31.8 GHz and having any of the following:

b.3.b.1. A peak saturated power output greater than 50 W (47 dBm) at any frequency exceeding 6.8 GHz up to and including 8.5 GHz;

b.3.b.2. A peak saturated power output greater than 15 W (41.76 dBm) at any frequency exceeding 8.5 GHz up to and including 12 GHz;

b.3.b.3. A peak saturated power output greater than 40 W (46 dBm) at any frequency exceeding 12 GHz up to and including 16 GHz; or

b.3.b.4. A peak saturated power output greater than 7 W (38.45 dBm) at any frequency exceeding 16 GHz up to and including 31.8 GHz;

b.3.c. Rated for operation with a peak saturated power output greater than 0.5 W (27 dBm) at any frequency exceeding 31.8 GHz up to and including 37 GHz;

b.3.d. Rated for operation with a peak saturated power output greater than 1 W (30 dBm) at any frequency exceeding 37 GHz up to and including 43.5 GHz;

b.3.e. Rated for operation with a peak saturated power output greater than 0.1 nW (-70 dBm) at any frequency exceeding 43.5 GHz; or

b.3.f. Other than those specified by 3A001.b.3.a to 3A001.b.3.e and rated for operation with a peak saturated power output greater than 5 W (37.0 dBm) at all frequencies exceeding 8.5 GHz up to and including 31.8 GHz;

Note 1: The control status of a transistor in 3A001.b.3.a through 3A001.b.3.e, whose rated operating frequency includes frequencies listed in more than one frequency range, as defined by 3A001.b.3.a through 3A001.b.3.e, is determined by the lowest peak saturated power output control threshold.

Note 2: 3A001.b.3 includes bare dice, dice mounted on carriers, or dice mounted in packages. Some discrete transistors may also be referred to as power amplifiers, but the status of these discrete transistors is determined by 3A001.b.3.

b.4. Microwave solid state amplifiers and microwave assemblies/modules containing microwave solid state amplifiers, that are any of the following:

b.4.a. Rated for operation at frequencies exceeding 2.7 GHz up to and including 6.8 GHz with a "fractional bandwidth" greater than 15%, and having any of the following:

b.4.a.1. A peak saturated power output greater than 500 W (57 dBm) at any frequency exceeding 2.7 GHz up to and including 2.9 GHz;

b.4.a.2. A peak saturated power output greater than 270 W (54.3 dBm) at any frequency exceeding 2.9 GHz up to and including 3.2 GHz;

b.4.a.3. A peak saturated power output greater than 200 W (53 dBm) at any frequency exceeding 3.2 GHz up to and including 3.7 GHz; or

b.4.a.4. A peak saturated power output greater than 90 W (49.54 dBm) at any frequency exceeding 3.7 GHz up to and including 6.8 GHz;

b.4.b. Rated for operation at frequencies exceeding 6.8 GHz up to and including 31.8 GHz with a "fractional bandwidth" greater than 10%, and having any of the following:

b.4.b.1. A peak saturated power output greater than 70 W (48.45 dBm) at any frequency exceeding 6.8 GHz up to and including 8.5 GHz;

b.4.b.2. A peak saturated power output greater than 50 W (47 dBm) at any frequency exceeding 8.5 GHz up to and including 12 GHz;

b.4.b.3. A peak saturated power output greater than 30 W (44.77 dBm) at any frequency exceeding 12 GHz up to and including 16 GHz; or

b.4.b.4. A peak saturated power output greater than 20 W (43 dBm) at any frequency exceeding 16 GHz up to and including 31.8 GHz;

b.4.c. Rated for operation with a peak saturated power output greater than 0.5 W (27 dBm) at any frequency exceeding 31.8 GHz up to and including 37 GHz;

b.4.d. Rated for operation with a peak saturated power output greater than 2 W (33 dBm) at any frequency exceeding 37 GHz up to and including 43.5 GHz, and with a "fractional bandwidth" of greater than 10%;

b.4.e. Rated for operation at frequencies exceeding 43.5 GHz and having any of the following:

b.4.e.1. A peak saturated power output greater than 0.2 W (23 dBm) at any frequency exceeding 43.5 GHz up to and including 75 GHz, and with a "fractional bandwidth" of greater than 10%;

b.4.e.2. A peak saturated power output greater than 20 mW (13 dBm) at any

frequency exceeding 75 GHz up to and including 90 GHz, and with a “fractional bandwidth” of greater than 5%; or

b.4.e.3. A peak saturated power output greater than 0.1 nW (−70 dBm) at any frequency exceeding 90 GHz; or

b.4.f. [Reserved]

N.B.:

1. For “MMIC” amplifiers see 3A001.b.2.

2. For ‘transmit/receive modules’ and ‘transmit modules’ see 3A001.b.12.

3. For converters and harmonic mixers, designed to extend the operating or frequency range of signal analyzers, signal generators, network analyzers or microwave test receivers, see 3A001.b.7.

Note 1: [Reserved]

Note 2: The control status of an item whose rated operating frequency includes frequencies listed in more than one frequency range, as defined by 3A001.b.4.a through 3A001.b.4.e, is determined by the lowest peak saturated power output control threshold.

b.5. Electronically or magnetically tunable band-pass or band-stop filters, having more than 5 tunable resonators capable of tuning across a 1.5:1 frequency band (f_{\max}/f_{\min}) in less than 10 ms and having any of the following:

b.5.a. A band-pass bandwidth of more than 0.5% of center frequency; or

b.5.b. A band-stop bandwidth of less than 0.5% of center frequency;

b.6. [Reserved]

b.7. Converters and harmonic mixers, that are any of the following:

b.7.a. Designed to extend the frequency range of “signal analyzers” beyond 90 GHz;

b.7.b. Designed to extend the operating range of signal generators as follows:

b.7.b.1. Beyond 90 GHz;

b.7.b.2. To an output power greater than 100 mW (20 dBm) anywhere within the frequency range exceeding 43.5 GHz but not exceeding 90 GHz;

b.7.c. Designed to extend the operating range of network analyzers as follows:

b.7.c.1. Beyond 110 GHz;

b.7.c.2. To an output power greater than 31.62 mW (15 dBm) anywhere within the frequency range exceeding 43.5 GHz but not exceeding 90 GHz;

b.7.c.3. To an output power greater than 1 mW (0 dBm) anywhere within the frequency range exceeding 90 GHz but not exceeding 110 GHz; or

b.7.d. Designed to extend the frequency range of microwave test receivers beyond 110 GHz;

b.8. Microwave power amplifiers containing “vacuum electronic devices” controlled by 3A001.b.1 and having all of the following:

b.8.a. Operating frequencies above 3 GHz;

b.8.b. An average output power to mass ratio exceeding 80 W/kg; and

b.8.c. A volume of less than 400 cm³;

Note: 3A001.b.8 does not control equipment designed or rated for operation in any frequency band which is “allocated by the ITU” for radio-communications services, but not for radio-determination.

b.9. Microwave Power Modules (MPM) consisting of, at least, a traveling-wave “vacuum electronic device,” a “Monolithic

Microwave Integrated Circuit” (“MMIC”) and an integrated electronic power conditioner and having all of the following:

b.9.a. A ‘turn-on time’ from off to fully operational in less than 10 seconds;

b.9.b. A volume less than the maximum rated power in Watts multiplied by 10 cm³/W; and

b.9.c. An “instantaneous bandwidth” greater than 1 octave ($f_{\max} > 2f_{\min}$) and having any of the following:

b.9.c.1. For frequencies equal to or less than 18 GHz, an RF output power greater than 100 W; or

b.9.c.2. A frequency greater than 18 GHz;

Technical Notes: For the purposes of 3A001.b.9:

1. To calculate the volume in 3A001.b.9.b, the following example is provided: for a maximum rated power of 20 W, the volume would be: $20 \text{ W} \times 10 \text{ cm}^3/\text{W} = 200 \text{ cm}^3$.

2. The ‘turn-on time’ in 3A001.b.9.a refers to the time from fully-off to fully operational, i.e., it includes the warm-up time of the MPM.

b.10. Oscillators or oscillator assemblies, specified to operate with a single sideband (SSB) phase noise, in dBc/Hz, less (better) than $-(126 + 20\log_{10}F - 20\log_{10}f)$ anywhere within the range of $10 \text{ Hz} \leq F \leq 10 \text{ kHz}$;

Technical Note: For the purposes of 3A001.b.10, F is the offset from the operating frequency in Hz and f is the operating frequency in MHz.

b.11. ‘Frequency synthesizer’ “electronic assemblies” having a “frequency switching time” as specified by any of the following:

b.11.a. Less than 143 ps;

b.11.b. Less than 100 μs for any frequency change exceeding 2.2 GHz within the synthesized frequency range exceeding 4.8 GHz but not exceeding 31.8 GHz;

b.11.c. [Reserved]

b.11.d. Less than 500 μs for any frequency change exceeding 550 MHz within the synthesized frequency range exceeding 31.8 GHz but not exceeding 37 GHz;

b.11.e. Less than 100 μs for any frequency change exceeding 2.2 GHz within the synthesized frequency range exceeding 37 GHz but not exceeding 75 GHz;

b.11.f. Less than 100 μs for any frequency change exceeding 5.0 GHz within the synthesized frequency range exceeding 75 GHz but not exceeding 90 GHz; or

b.11.g. Less than 1 ms within the synthesized frequency range exceeding 90 GHz;

Technical Note: For the purposes of 3A001.b.11, a ‘frequency synthesizer’ is any kind of frequency source, regardless of the actual technique used, providing a multiplicity of simultaneous or alternative output frequencies, from one or more outputs, controlled by, derived from or disciplined by a lesser number of standard (or master) frequencies.

N.B.: For general purpose “signal analyzers”, signal generators, network analyzers and microwave test receivers, see 3A002.c, 3A002.d, 3A002.e and 3A002.f, respectively.

b.12. ‘Transmit/receive modules,’ ‘transmit/receive MMICs,’ ‘transmit modules,’ and ‘transmit MMICs,’ rated for operation at frequencies above 2.7 GHz and having all of the following:

b.12.a. A peak saturated power output (in watts), P_{sat} , greater than 505.62 divided by the maximum operating frequency (in GHz) squared [$P_{\text{sat}} > 505.62 \text{ W} \cdot \text{GHz}^2 / f_{\text{GHz}}^2$] for any channel;

b.12.b. A “fractional bandwidth” of 5% or greater for any channel;

b.12.c. Any planar side with length d (in cm) equal to or less than 15 divided by the lowest operating frequency in GHz [$d \leq 15 \text{ cm} \cdot \text{GHz} \cdot N / f_{\text{GHz}}$] where N is the number of transmit or transmit/receive channels; and

b.12.d. An electronically variable phase shifter per channel;

Technical Notes: For the purposes of 3A001.b.12:

1. A ‘transmit/receive module’ is a multifunction “electronic assembly” that provides bi-directional amplitude and phase control for transmission and reception of signals.

2. A ‘transmit module’ is an “electronic assembly” that provides amplitude and phase control for transmission of signals.

3. A ‘transmit/receive MMIC’ is a multifunction “MMIC” that provides bi-directional amplitude and phase control for transmission and reception of signals.

4. A ‘transmit MMIC’ is a “MMIC” that provides amplitude and phase control for transmission of signals.

5. 2.7 GHz should be used as the lowest operating frequency (f_{GHz}) in the formula in 3A001.b.12.c for transmit/receive or transmit modules that have a rated operation range extending downward to 2.7 GHz and below [$d \leq 15 \text{ cm} \cdot \text{GHz} \cdot N / 2.7 \text{ GHz}$].

6. 3A001.b.12 applies to ‘transmit/receive modules’ or ‘transmit modules’ with or without a heat sink. The value of d in 3A001.b.12.c does not include any portion of the ‘transmit/receive module’ or ‘transmit module’ that functions as a heat sink.

7. ‘Transmit/receive modules’ or ‘transmit modules,’ ‘transmit/receive MMICs’ or ‘transmit MMICs’ may or may not have N integrated radiating antenna elements where N is the number of transmit or transmit/receive channels.

c. Acoustic wave devices as follows and “specially designed” “components” therefor:

c.1. Surface acoustic wave and surface skimming (shallow bulk) acoustic wave devices, having any of the following:

c.1.a. A carrier frequency exceeding 6 GHz;

c.1.b. A carrier frequency exceeding 1 GHz, but not exceeding 6 GHz and having any of the following:

c.1.b.1. A ‘frequency side-lobe rejection’ exceeding 65 dB;

c.1.b.2. A product of the maximum delay time and the bandwidth (time in μs and bandwidth in MHz) of more than 100;

c.1.b.3. A bandwidth greater than 250 MHz; or

c.1.b.4. A dispersive delay of more than 10 μs; or

c.1.c. A carrier frequency of 1 GHz or less and having any of the following:

c.1.c.1. A product of the maximum delay time and the bandwidth (time in μs and bandwidth in MHz) of more than 100;

c.1.c.2. A dispersive delay of more than 10 μs; or

c.1.c.3. A ‘frequency side-lobe rejection’ exceeding 65 dB and a bandwidth greater than 100 MHz;

Technical Note: For the purposes of 3A001.c.1, 'frequency side-lobe rejection' is the maximum rejection value specified in data sheet.

c.2. Bulk (volume) acoustic wave devices that permit the direct processing of signals at frequencies exceeding 6 GHz;

c.3. Acoustic-optic "signal processing" devices employing interaction between acoustic waves (bulk wave or surface wave) and light waves that permit the direct processing of signals or images, including spectral analysis, correlation or convolution;

Note: 3A001.c does not control acoustic wave devices that are limited to a single band pass, low pass, high pass or notch filtering, or resonating function.

d. Electronic devices and circuits containing "components," manufactured from "superconductive" materials, "specially designed" for operation at temperatures below the "critical temperature" of at least one of the "superconductive" constituents and having any of the following:

d.1. Current switching for digital circuits using "superconductive" gates with a product of delay time per gate (in seconds) and power dissipation per gate (in watts) of less than 10^{-14} J; or

d.2. Frequency selection at all frequencies using resonant circuits with Q-values exceeding 10,000;

e. High energy devices as follows:

e.1. 'Cells' as follows:

e.1.a. 'Primary cells' having any of the following at 20 °C:

e.1.a.1. 'Energy density' exceeding 550 Wh/kg and a 'continuous power density' exceeding 50 W/kg; or

e.1.a.2. 'Energy density' exceeding 50 Wh/kg and a 'continuous power density' exceeding 350 W/kg;

e.1.b. 'Secondary cells' having an 'energy density' exceeding 350 Wh/kg at 20 °C;

Technical Notes:

1. For the purposes of 3A001.e.1, 'energy density' (Wh/kg) is calculated from the nominal voltage multiplied by the nominal capacity in ampere-hours (Ah) divided by the mass in kilograms. If the nominal capacity is not stated, energy density is calculated from the nominal voltage squared then multiplied by the discharge duration in hours divided by the discharge load in Ohms and the mass in kilograms.

2. For the purposes of 3A001.e.1, a 'cell' is defined as an electrochemical device, which has positive and negative electrodes, an electrolyte, and is a source of electrical energy. It is the basic building block of a battery.

3. For the purposes of 3A001.e.1.a, a 'primary cell' is a 'cell' that is not designed to be charged by any other source.

4. For the purposes of 3A001.e.1.b, a 'secondary cell' is a 'cell' that is designed to be charged by an external electrical source.

5. For the purposes of 3A001.e.1.a, 'continuous power density' (W/kg) is calculated from the nominal voltage multiplied by the specified maximum continuous discharge current in ampere (A) divided by the mass in kilograms. 'Continuous power density' is also referred to as specific power.

Note: 3A001.e does not control batteries, including single-cell batteries.

e.2. High energy storage capacitors as follows:

e.2.a. Capacitors with a repetition rate of less than 10 Hz (single shot capacitors) and having all of the following:

e.2.a.1. A voltage rating equal to or more than 5 kV;

e.2.a.2. An energy density equal to or more than 250 J/kg; and

e.2.a.3. A total energy equal to or more than 25 kJ;

e.2.b. Capacitors with a repetition rate of 10 Hz or more (repetition rated capacitors) and having all of the following:

e.2.b.1. A voltage rating equal to or more than 5 kV;

e.2.b.2. An energy density equal to or more than 50 J/kg;

e.2.b.3. A total energy equal to or more than 100 J; and

e.2.b.4. A charge/discharge cycle life equal to or more than 10,000;

e.3. "Superconductive" electromagnets and solenoids, "specially designed" to be fully charged or discharged in less than one second and having all of the following:

Note: 3A001.e.3 does not control "superconductive" electromagnets or solenoids "specially designed" for Magnetic Resonance Imaging (MRI) medical equipment.

e.3.a. Energy delivered during the discharge exceeding 10 kJ in the first second;

e.3.b. Inner diameter of the current carrying windings of more than 250 mm; and

e.3.c. Rated for a magnetic induction of more than 8 T or "overall current density" in the winding of more than 300 A/mm²;

e.4. Solar cells, cell-interconnect-coverglass (CIC) assemblies, solar panels, and solar arrays, which are "space-qualified," having a minimum average efficiency exceeding 20% at an operating temperature of 301 K (28 °C) under simulated 'AM0' illumination with an irradiance of 1,367 Watts per square meter (W/m²);

Technical Note: For the purposes of 3A001.e.4, 'AM0', or 'Air Mass Zero', refers to the spectral irradiance of sun light in the earth's outer atmosphere when the distance between the earth and sun is one astronomical unit (AU).

f. Rotary input type absolute position encoders having an "accuracy" equal to or less (better) than 1.0 second of arc and "specially designed" encoder rings, discs or scales therefor;

g. Solid-state pulsed power switching thyristor devices and 'thyristor modules', using either electrically, optically, or electron radiation controlled switch methods and having any of the following:

g.1. A maximum turn-on current rate of rise (di/dt) greater than 30,000 A/μs and off-state voltage greater than 1,100 V; or

g.2. A maximum turn-on current rate of rise (di/dt) greater than 2,000 A/μs and having all of the following:

g.2.a. An off-state peak voltage equal to or greater than 3,000 V; and

g.2.b. A peak (surge) current equal to or greater than 3,000 A;

Note 1: 3A001.g. includes:

—Silicon Controlled Rectifiers (SCRs)

—Electrical Triggering Thyristors (ETTs)

—Light Triggering Thyristors (LTTs)

—Integrated Gate Commutated Thyristors (IGCTs)

—Gate Turn-off Thyristors (GTOs)

—MOS Controlled Thyristors (MCTs)

—Solidtrons

Note 2: 3A001.g does not control thyristor devices and 'thyristor modules' incorporated into equipment designed for civil railway or "civil aircraft" applications.

Technical Note: For the purposes of 3A001.g, a 'thyristor module' contains one or more thyristor devices.

h. Solid-state power semiconductor switches, diodes, or 'modules', having all of the following:

h.1. Rated for a maximum operating junction temperature greater than 488 K (215 °C);

h.2. Repetitive peak off-state voltage (blocking voltage) exceeding 300 V; and

h.3. Continuous current greater than 1 A.

Technical Note: For the purposes of 3A001.h, 'modules' contain one or more solid-state power semiconductor switches or diodes.

Note 1: Repetitive peak off-state voltage in 3A001.h includes drain to source voltage, collector to emitter voltage, repetitive peak reverse voltage and peak repetitive off-state blocking voltage.

Note 2: 3A001.h includes:

—Junction Field Effect Transistors (JFETs)

—Vertical Junction Field Effect Transistors (VJFETs)

—Metal Oxide Semiconductor Field Effect Transistors (MOSFETs)

—Double Diffused Metal Oxide Semiconductor Field Effect Transistor (DMOSFET)

—Insulated Gate Bipolar Transistor (IGBT)

—High Electron Mobility Transistors (HEMTs)

—Bipolar Junction Transistors (BJTs)

—Thyristors and Silicon Controlled Rectifiers (SCRs)

—Gate Turn-Off Thyristors (GTOs)

—Emitter Turn-Off Thyristors (ETOs)

—PiN Diodes

—Schottky Diodes

Note 3: 3A001.h does not apply to switches, diodes, or 'modules', incorporated into equipment designed for civil automobile, civil railway, or "civil aircraft" applications.

i. Intensity, amplitude, or phase electro-optic modulators, designed for analog signals and having any of the following:

i.1. A maximum operating frequency of more than 10 GHz but less than 20 GHz, an optical insertion loss equal to or less than 3 dB and having any of the following:

i.1.a. A 'half-wave voltage' (V_{π}) less than 2.7 V when measured at a frequency of 1 GHz or below; or

i.1.b. A ' V_{π} ' of less than 4 V when measured at a frequency of more than 1 GHz; or

i.2. A maximum operating frequency equal to or greater than 20 GHz, an optical insertion loss equal to or less than 3 dB and having any of the following:

i.2.a. A ' V_{π} ' less than 3.3 V when measured at a frequency of 1 GHz or below; or

i.2.b. A ' V_{π} ' less than 5 V when measured at a frequency of more than 1 GHz.

Note: 3A001.i includes electro-optic modulators having optical input and output connectors (e.g., fiber-optic pigtails).

Technical Note: For the purposes of 3A001.i, a 'half-wave voltage' (Vπ) is the applied voltage necessary to make a phase change of 180 degrees in the wavelength of light propagating through the optical modulator.

j. through y. [Reserved]
z. Any commodity described in 3A001 that meets or exceeds the performance parameters in 3A090, as follows:

z.1. "Monolithic Microwave Integrated Circuit" ("MMIC") amplifiers described in 3A001.b.2 and discrete microwave transistors in 3A001.b.3 that also meet or exceed the performance parameters in ECCN 3A090, except those 3A001.b.2 and b.3 items being exported or reexported for use in civil telecommunications applications;

z.2. Commodities that are described in 3A001.a.1.a when usable in "missiles" that also meet or exceed the performance parameters in ECCN 3A090; and to 3A001.a.5.a when "designed or modified" for military use, hermetically sealed and rated for operation in the temperature range from below -54 °C to above +125 °C and that also meet or exceed the performance parameters in ECCN 3A090;

z.3. Pulse discharge capacitors described in 3A001.e.2 and superconducting solenoidal electromagnets in 3A001.e.3 that meet or exceed the technical parameters in 3A201.a and 3A201.b, respectively and that also meet or exceed the performance parameters in ECCN 3A090;

or
z.4. All other commodities specified in this ECCN that meet or exceed the performance parameters of ECCN 3A090.

* * * * *

3A901 Electronic items, not specified by ECCN 3A001, as follows (see List of Items Controlled).

Reason for Control: NS, RS, AT

Table with 2 columns: Control(s) and Country chart (see Supp. No. 1 to part 738). Rows include NS, RS, and AT.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A

GBS: N/A

IEC: Yes, see § 740.2(a)(22) and § 740.24 of the EAR.

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in this ECCN to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: For related "software" see ECCN 3D901 and for "technology" see ECCN 3E901.

Related Definitions: N/A

Items:

a. Complementary Metal Oxide Semiconductor (CMOS) integrated circuits, not specified by 3A001.a.2, designed to operate at an ambient temperature equal to or less (better) than 4.5 K (-268.65 °C).

Technical Note: For the purposes of 3A901.a, CMOS integrated circuits are also referred to as cryogenic CMOS or cryo-CMOS.

b. Parametric signal amplifiers having all of the following:

b.1. Designed for operation at an ambient temperature below 1 K (-272.15 °C);

b.2. Designed for operation at any frequency from 2 GHz up to and including 15 GHz; and

b.3. A noise figure less (better) than 0.015 dB at any frequency from 2 GHz up to and including 15 GHz at 1 K (-272.15 °C).

Note: For the purposes of 3A901.b, parametric signal amplifiers include Travelling Wave Parametric Amplifiers (TWPAs).

Technical Note: For the purposes of 3A901.b, parametric signal amplifiers may also be referred to as Quantum-limited amplifiers (QLAs).

* * * * *

3A904 Cryogenic cooling systems and components, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT

Table with 2 columns: Control(s) and Country chart (see Supp. No. 1 to part 738). Rows include NS, RS, and AT.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A

GBS: N/A

IEC: Yes, see § 740.2(a)(22) and § 740.24 of the EAR.

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in this ECCN to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No. 1 to part 740 of the EAR).

List of Items Controlled

Related Controls: See ECCN 3E901 for related technology controls for the "development" or "production" of this ECCN.

Related Definitions: N/A

Items:

a. Systems rated to provide a cooling power greater than or equal to 600 µW at or below a temperature of 0.1 K (-273.05 °C) for a period of greater than 48 hours;

b. Two-stage pulse tube cryocoolers rated to maintain a temperature below 4 K (-269.15 °C) and provide a cooling power

greater than or equal to 1.5 W at or below a temperature of 4.2 K (-268.95 °C).

* * * * *

3B001 Equipment for the manufacturing of semiconductor devices, materials, or related equipment, as follows (see List of Items Controlled) and "specially designed" "components" and "accessories" therefor.

License Requirements

Reason for Control: NS, RS, AT

Table with 2 columns: Control(s) and Country chart (see Supp. No. 1 to part 738). Rows include NS and RS.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: \$500, except semiconductor manufacturing equipment specified in 3B001.a.4, c, d, f.1.b, j to p.

GBS: Yes, except a.3 (molecular beam epitaxial growth equipment using gas sources), c.1.a (Equipment designed or modified for isotropic dry etching), c.1.c (Equipment designed or modified for anisotropic dry etching), .e (automatic loading multi-chamber central wafer handling systems only if connected to equipment controlled by 3B001.a.3, or .f), .f (lithography equipment) and .q ("EUV" masks and reticles designed for integrated circuits, not specified by 3B001.g, and having a mask "substrate blank" specified by 3B001.j).

IEC: Yes for 3B001.c.1.a, c.1.c, and .q, see § 740.2(a)(22) and § 740.24 of the EAR.

Special Conditions for STA

STA: License Exception STA may not be used to ship 3B001.c.1.a, c.1.c, or .q to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: See also 3B903 and 3B991

Related Definitions: N/A

Items:
a. Equipment designed for epitaxial growth as follows:

a.1. Equipment designed or modified to produce a layer of any material other than silicon with a thickness uniform to less than $\pm 2.5\%$ across a distance of 75 mm or more;

Note: 3B001.a.1 includes atomic layer epitaxy (ALE) equipment.

a.2. Metal Organic Chemical Vapor Deposition (MOCVD) reactors designed for compound semiconductor epitaxial growth of material having two or more of the following elements: aluminum, gallium, indium, arsenic, phosphorus, antimony, or nitrogen;

a.3. Molecular beam epitaxial growth equipment using gas or solid sources;

a.4. Equipment designed for silicon (Si), carbon doped silicon, silicon germanium (SiGe), or carbon doped SiGe epitaxial growth, and having all of the following:

a.4.a. Multiple chambers and maintaining high vacuum (equal to or less than 0.01 Pa) or inert environment (water and oxygen partial pressure less than 0.01 Pa) between process steps;

a.4.b. At least one preclean chamber designed to provide a surface preparation means to clean the surface of the wafer; and

a.4.c. An epitaxial deposition operating temperature of 685 °C or below;

b. Semiconductor wafer fabrication equipment designed for ion implantation and having any of the following:

b.1. [Reserved]

b.2. Being designed and optimized to operate at a beam energy of 20 keV or more and a beam current of 10 mA or more for hydrogen, deuterium, or helium implant;

b.3. Direct write capability;

b.4. A beam energy of 65 keV or more and a beam current of 45 mA or more for high energy oxygen implant into a heated semiconductor material "substrate"; or

b.5. Being designed and optimized to operate at beam energy of 20 keV or more and a beam current of 10mA or more for silicon implant into a semiconductor material "substrate" heated to 600 °C or greater;

c. Etch equipment.

c.1. Equipment designed for dry etching as follows:

c.1.a. Equipment designed or modified for isotropic dry etching, having a largest 'silicon germanium-to-silicon (SiGe:Si) etch selectivity' of greater than or equal to 100:1; or

c.1.b. Equipment designed or modified for anisotropic etching of dielectric materials and enabling the fabrication of high aspect ratio features with aspect ratio greater than 30:1 and a lateral dimension on the top surface of less than 100 nm, and having all of the following:

c.1.b.1. Radio Frequency (RF) power source(s) with at least one pulsed RF output; and

c.1.b.2. One or more fast gas switching valve(s) with switching time less than 300 milliseconds; or

c.1.c. Equipment designed or modified for anisotropic dry etching, having all of the following:

c.1.c.1. Radio Frequency (RF) power source(s) with at least one pulsed RF output;

c.1.c.2. One or more fast gas switching valve(s) with switching time less than 300 milliseconds; and

c.1.c.3. Electrostatic chuck with twenty or more individually controllable variable temperature elements;

c.2. Equipment designed for wet chemical processing and having a largest 'silicon germanium-to-silicon (SiGe:Si) etch selectivity' of greater than or equal to 100:1;

Note 1: 3B001.c includes etching by 'radicals', ions, sequential reactions, or non-sequential reaction.

Note 2: 3B001.c.1.c includes etching using RF pulse excited plasma, pulsed duty cycle excited plasma, pulsed voltage on electrodes modified plasma, cyclic injection and purging of gases combined with a plasma, plasma atomic layer etching, or plasma quasi-atomic layer etching.

Technical Notes:

1. For the purposes of 3B001.c, 'silicon germanium-to-silicon (SiGe:Si) etch selectivity' is measured for a Ge concentration of greater than or equal to 30% ($Si_{0.70}Ge_{0.30}$).

2. For the purposes of 3B001.c Note 1 and 3B001.d.14, 'radical' is defined as an atom, molecule, or ion that has an unpaired electron in an open electron shell configuration.

d. Semiconductor manufacturing deposition equipment, as follows:

d.1. Equipment designed for cobalt (Co) electroplating or cobalt electroless-plating deposition processes;

Note: 3B001.d.1 controls semiconductor wafer processing equipment.

d.2. Equipment designed for:

d.2.a. Chemical vapor deposition of cobalt (Co) fill metal; or

d.2.b. Selective bottom-up chemical vapor deposition of tungsten (W) fill metal;

d.3. Equipment designed to fabricate a metal contact by multistep processing within a single chamber by performing all of the following:

d.3.a. Deposition of a tungsten layer, using an organometallic compound, while maintaining the wafer substrate temperature greater than 100 °C and less than 500 °C; and

d.3.b. A plasma process using hydrogen (H_2), including hydrogen and nitrogen ($H_2 + N_2$) or ammonia (NH_3);

d.4. Equipment or systems designed for multistep processing in multiple chambers or stations and maintaining high vacuum (equal to or less than 0.01 Pa) or inert environment between process steps, as follows:

d.4.a. Equipment designed to fabricate a metal contact by performing the following processes:

d.4.a.1. Surface treatment plasma process using hydrogen (H_2), including hydrogen and nitrogen ($H_2 + N_2$) or ammonia (NH_3), while maintaining the wafer substrate at a temperature greater than 100 °C and less than 500 °C;

d.4.a.2. Surface treatment plasma process using oxygen (O_2) or ozone (O_3), while maintaining the wafer substrate at a temperature greater than 40 °C and less than 500 °C; and

d.4.a.3. Deposition of a tungsten layer while maintaining the wafer substrate temperature greater than 100 °C and less than 500 °C;

d.4.b. Equipment designed to fabricate a metal contact by performing the following processes:

d.4.b.1. Surface treatment process using a remote plasma generator and an ion filter; and

d.4.b.2. Deposition of a cobalt (Co) layer selectively onto copper (Cu) using an organometallic compound;

Note: This control does not apply to equipment that is non-selective.

d.4.c. Equipment designed to fabricate a metal contact by performing all the following processes:

d.4.c.1. Deposition of a titanium nitride (TiN) or tungsten carbide (WC) layer, using an organometallic compound, while maintaining the wafer substrate at a temperature greater than 20 °C and less than 500 °C;

d.4.c.2. Deposition of a cobalt (Co) layer using a physical sputter deposition technique and having a process pressure greater than 133.3 mPa and less than 13.33 Pa, while maintaining the wafer substrate at a temperature below 500 °C; and

d.4.c.3. Deposition of a cobalt (Co) layer using an organometallic compound and having a process pressure greater than 133.3 Pa and less than 13.33 kPa, while maintaining the wafer substrate at a temperature greater than 20 °C and less than 500 °C;

d.4.d. Equipment designed to fabricate copper (Cu) interconnects by performing all of the following processes:

d.4.d.1. Deposition of a cobalt (Co) or ruthenium (Ru) layer using an organometallic compound and having a process pressure greater than 133.3 Pa and less than 13.33 kPa, while maintaining the wafer substrate at a temperature greater than 20 °C and less than 500 °C; and

d.4.d.2. Deposition of a copper layer using a physical vapor deposition technique and having a process pressure greater than 133.3 mPa and less than 13.33 Pa, while maintaining the wafer substrate at a temperature below 500 °C;

d.5. Equipment designed for plasma enhanced chemical vapor deposition of carbon hard masks more than 100 nm thick and with stress less than 450 MPa;

d.6. Atomic Layer Deposition (ALD) equipment designed for area selective deposition of a barrier or liner using an organometallic compound;

Note: 3B001.d.6 includes equipment capable of area selective deposition of a barrier layer to enable fill metal contact to an underlying electrical conductor without a barrier layer at the fill metal via interface to an underlying electrical conductor.

d.7. Equipment designed for Atomic Layer Deposition (ALD) of tungsten (W) to fill an entire interconnect or in a channel less than 40 nm wide, while maintaining the wafer substrate at a temperature less than 500 °C.

d.8. Equipment designed for Atomic Layer Deposition (ALD) of 'work function metal' having all of the following:

d.8.a. More than one metal source of which one is designed for an aluminum (Al) precursor;

d.8.b. Precursor vessel designed and enabled to operate at a temperature greater than 30 °C; and

d.8.c. Designed for depositing a 'work function metal' having all of the following:

d.8.c.1. Deposition of titanium-aluminum carbide (TiAlC); *and*

d.8.c.2. Enabling a work function greater than 4.0eV;

Technical Note: For the purposes of 3B001.d.8, 'work function metal' is a material that controls the threshold voltage of a transistor.

d.9. Spatial Atomic Layer Deposition (ALD) equipment having a wafer support platform that rotates around an axis having any of the following:

d.9.a. A spatial plasma enhanced atomic layer deposition mode of operation;

d.9.b. A plasma source; *or*

d.9.c. A plasma shield or means to confine the plasma to the plasma exposure process region;

d.10. Equipment designed for Atomic Layer Deposition (ALD) or Chemical Vapor Deposition (CVD) of plasma enhanced of low fluorine tungsten (FW) (fluorine (F) concentration less than 10^{19} atoms/cm³) films;

d.11. Equipment designed to deposit a metal layer, in a vacuum (equal to or less than 0.01 Pa) or inert gas environment, and having all of the following:

d.11.a. A Chemical Vapor Deposition (CVD) or cyclic deposition process for depositing a tungsten nitride (WN) layer, while maintaining the wafer substrate at a temperature greater than 20 °C and less than 500 °C; *and*

d.11.b. A Chemical Vapor Deposition (CVD) or cyclic deposition process for depositing a tungsten (W) layer having a process pressure greater than 133.3 Pa and less than 53.33 kPa, while maintaining the wafer substrate at a temperature greater than 20 °C and less than 500 °C.

d.12. Equipment designed for depositing a metal layer, in a vacuum (equal to or less than 0.01 Pa) or inert gas environment, and having any of the following:

d.12.a. Selective tungsten (W) growth without a barrier; *or*

d.12.b. Selective molybdenum (Mo) growth without a barrier;

d.13. Equipment designed for depositing a ruthenium layer (Ru) using an organometallic compound, while maintaining the wafer substrate at a temperature greater than 20 °C and less than 500 °C;

d.14. Equipment designed for deposition assisted by remotely generated 'radicals', enabling the fabrication of a silicon (Si) and carbon (C) containing film, and having all of the following properties of the deposited film:

d.14.a. A dielectric constant (k) of less than 5.3;

d.14.b. An aspect ratio greater than 5:1 in features with lateral openings of less than 70 nm; *and*

d.14.c. A feature-to-feature pitch of less than 100 nm;

d.15. Equipment designed for void free plasma enhanced deposition of a low-k dielectric layer in gaps between metal lines less than 25 nm and having an aspect ratio greater than or equal to 1:1 with a less than 3.3 dielectric constant;

d.16. Equipment designed for deposition of a film, containing silicon and carbon, and having a dielectric constant (k) of less than 5.3, into lateral openings having widths of less than 70 nm and aspect ratios greater than 5:1 (depth: width) and a feature-to-feature pitch of less than 100 nm, while maintaining the wafer substrate at a temperature greater than 400 °C and less than 650 °C, and having all of the following:

d.16.a. Boat designed to hold multiple vertically stacked wafers;

d.16.b. Two or more vertical injectors; *and*

d.16.c. A silicon source and propene are introduced to a different injector than a nitrogen source or an oxygen source;

e. Automatic loading multi-chamber central wafer handling systems having all of the following:

e.1. Interfaces for wafer input and output, to which more than two functionally different 'semiconductor process tools' controlled by 3B001.a.1, 3B001.a.2, 3B001.a.3 or 3B001.b are designed to be connected; *and*

e.2. Designed to form an integrated system in a vacuum environment for 'sequential multiple wafer processing';

Note: 3B001.e does not control automatic robotic wafer handling systems "specially designed" for parallel wafer processing..

Technical Notes:

1. For the purposes of 3B001.e, 'semiconductor process tools' refers to modular tools that provide physical processes for semiconductor production that are functionally different, such as deposition, implant or thermal processing.

2. For the purposes of 3B001.e, 'sequential multiple wafer processing' means the capability to process each wafer in different 'semiconductor process tools', such as by transferring each wafer from one tool to a second tool and on to a third tool with the automatic loading multi-chamber central wafer handling systems.

f. Lithography equipment as follows:

f.1. Align and expose step and repeat (direct step on wafer) or step and scan (scanner) equipment for wafer processing using photo-optical or X-ray methods and having any of the following:

f.1.a. A light source wavelength shorter than 193 nm; *or*

f.1.b. A light source wavelength equal to or longer than 193 nm and having all of the following:

f.1.b.1. The capability to produce a pattern with a "Minimum Resolvable Feature size" (MRF) of 45 nm or less; *and*

f.1.b.2. Having any of the following:

f.1.b.2.a. A maximum 'dedicated chuck overlay' value of less than or equal to 1.50 nm; *or*

f.1.b.2.b. A maximum 'dedicated chuck overlay' value greater than 1.50 nm but less than or equal to 2.40 nm;

Technical Notes: For the purposes of 3B001.f.1.b.:

1. The 'Minimum Resolvable Feature size' (MRF), *i.e.*, resolution, is calculated by the following formula:

(an exposure light source wavelength in nm) x (K factor)

MRF

=

maximum numerical aperture

where, for the purposes of 3.B.1.f.1.b, the K factor = 0.25 'MRF' is also known as resolution.

2. 'Dedicated chuck overlay' is the alignment accuracy of a new pattern to an existing pattern printed on a wafer by the same lithographic system. 'Dedicated chuck overlay' is also known as single machine overlay.

f.2. Imprint lithography equipment capable of production features of 45 nm or less;

Note: 3B001.f.2 includes:

Micro contact printing tools

Hot embossing tools

Nano-imprint lithography tools

3. Step and flash imprint lithography (S-FIL) tools

f.3. Equipment "specially designed" for mask making having all of the following:

f.3.a. A deflected focused electron beam, ion beam or "laser" beam; *and*

f.3.b. Having any of the following:

f.3.b.1. A Full-Width Half-Maximum (FWHM) spot size smaller than 65 nm and an image placement less than 17 nm (mean + 3 sigma); *or*

f.3.b.2. [Reserved]

f.3.b.3. A second-layer overlay error of less than 23 nm (mean + 3 sigma) on the mask;

f.4. Equipment designed for device processing using direct writing methods, having all of the following:

f.4.a. A deflected focused electron beam; *and*

f.4.b. Having any of the following:

f.4.b.1. A minimum beam size equal to or smaller than 15 nm; *or*

f.4.b.2. An overlay error less than 27 nm (mean + 3 sigma);

g. Masks and reticles, designed for integrated circuits controlled by 3A001;

h. Multi-layer masks with a phase shift layer not specified by 3B001.g and designed

to be used by lithography equipment having a light source wavelength less than 245 nm;
Note: 3B001.h does not control multi-layer masks with a phase shift layer designed for the fabrication of memory devices not controlled by 3A001.

- N.B.:** For masks and reticles, “specially designed” for optical sensors, see 6B002.
- i. Imprint lithography templates designed for integrated circuits by 3A001;
 - j. Mask “substrate blanks” with multilayer reflector structure consisting of molybdenum and silicon, and having all of the following:
 - j.1. “Specially designed” for “Extreme Ultraviolet” (“EUV”) lithography; and
 - j.2. Compliant with SEMI Standard P37;
 - k. Equipment designed for ion beam deposition or physical vapor deposition of a multi-layer reflector for “EUV” masks;
 - l. “EUV” pellicles;
 - m. Equipment for manufacturing “EUV” pellicles;
 - n. Equipment designed for coating, depositing, baking, or developing photoresist formulated for “EUV” lithography;
 - o. Annealing equipment, operating in a vacuum (equal to or less than 0.01 Pa) environment, performing any of the following:
 - o.1. Reflow of copper (Cu) to minimize or eliminate voids or seams in copper (Cu) metal interconnects; or
 - o.2. Reflow of cobalt (Co) or tungsten (W) fill metal to minimize or eliminate voids or seams;
 - p. Removal and cleaning equipment as follows:
 - p.1. Equipment designed for removing polymeric residue and copper oxide (CuO) film and enabling deposition of copper (Cu) metal in a vacuum (equal to or less than 0.01 Pa) environment;
 - p.2. Single wafer wet cleaning equipment with surface modification drying; or
 - p.3. Equipment designed for dry surface oxide removal preclean or dry surface decontamination.

Note to 3B001.p.1 and p.3: These controls do not apply to deposition equipment.

q. “EUV” masks and “EUV” reticles, designed for integrated circuits, not specified by 3B001.g, and having a mask “substrate blank” specified by 3B001.j;

Technical Notes: For the purposes of 3B001.q, masks or reticles with a mounted pellicle are considered masks and reticles.

* * * * *

3B903 Scanning Electron Microscope (SEM) equipment designed for imaging semiconductor devices or integrated circuits, having all of the following (See List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to entire entry.	Worldwide control. See § 742.4(a)(5) and (b)(10) of the EAR.
RS applies to the entire entry.	Worldwide control. See § 742.6(a)(10) and (b)(11) of the EAR.
AT applies to entire entry	AT Column 1.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A
 GBS: N/A
 IEC: Yes, see § 740.2(a)(22) and § 740.24 of the EAR.

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in this ECCN to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No. 1 to part 740 of the EAR).

List of Items Controlled

Related Controls: See ECCNs 3D901 for related “development” or “production” “software”, ECCN 3E901 for related “development” and “production” “technology”.

Related Definition: N/A

Items:

- a. Stage placement accuracy less (better) than 30 nm;
- b. Stage positioning measurement performed using laser interferometry;
- c. Position calibration within a field-of-view (FOV) based on laser interferometer length-scale measurement;
- d. Collection and storage of images having more than 2 x 10⁸ pixels;
- e. FOV overlap of less than 5 percent in vertical and horizontal directions;
- f. Stitching overlap of FOV less than 50 nm; and
- g. Accelerating voltage more than 21 kV.

Note 1: 3B903 includes SEM equipment designed for chip design recovery.

Note 2: 3B903 does not apply to SEM equipment designed to accept a Semiconductor Equipment and Materials International (SEMI) standard wafer carrier, such as a 200 mm or larger Front Opening Unified Pod (FOUP).

3B904 Cryogenic wafer probing “equipment”, having all of the following (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to entire entry.	Worldwide control. See § 742.4(a)(5) and (b)(10) of the EAR.
RS applies to the entire entry.	Worldwide control. See § 742.6(a)(10) and (b)(11) of the EAR.
AT applies to entire entry	AT Column 1.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A
 GBS: N/A
 IEC: Yes, see § 740.2(a)(22) and § 740.24 of the EAR.

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in this ECCN to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No. 1 to part 740 of the EAR).

List of Items Controlled

Related Controls: See ECCN 3E901 for related technology controls for the “development” or “production” of this ECCN.

Related Definitions: N/A

Items:

- a. Designed to test devices at temperatures less than or equal to 4.5 K (– 268.65 °C); and
- b. Designed to accommodate wafer diameters greater than or equal to 100 mm.

* * * * *

3C001 Hetero-epitaxial materials consisting of a “substrate” having stacked epitaxially grown multiple layers of any of the following (see List of Items Controlled).

License Requirements

Reason for Control: NS, AT

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to entire entry.	NS Column 2.
AT applies to entire entry	AT Column 1.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: \$3,000

GBS: N/A

List of Items Controlled

Related Controls: (1) This entry does not control equipment or material whose functionality has been unalterably disabled. (2) See also ECCNs 3C907 (Epitaxial materials), 3C908 (Fluorides, hydrides, chlorides, of silicon or germanium), and 3C909 (Silicon, silicon oxides, germanium or germanium oxides).

Related Definitions: N/A

Items:

- a. Silicon (Si);
- b. Germanium (Ge);
- c. Silicon Carbide (SiC); or
- d. “III/V compounds” of gallium or indium.

Note: 3C001.d does not apply to a “substrate” having one or more P-type epitaxial layers of GaN, InGaN, AlGaIn, InAlN, InAlGaIn, GaP, GaAs, AlGaAs, InP, InGaP, AllnP or InGaAlP, independent of the sequence of the elements, except if the P-type epitaxial layer is between N-type layers.

- e. Gallium Oxide (Ga₂O₃); or
- f. Diamond.

N.B.: For materials having layers of isotopically enriched Silicon or Germanium isotopes, see 3C907.

* * * * *

3C907 Epitaxial materials consisting of a “substrate” having at least one epitaxially grown layer of any of the following (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to entire entry.	Worldwide control. See § 742.4(a)(5) and (b)(10) of the EAR.

Control(s)	<i>Country chart (see Supp. No. 1 to part 738)</i>
RS applies to the entire entry.	Worldwide control. See § 742.6(a)(10) and (b)(11) of the EAR.
AT applies to entire entry..	AT Column 1.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A

GBS: N/A

IEC: Yes, see § 740.2(a)(22) and § 740.24 of the EAR.

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in this ECCN to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: See ECCN 3E901 for related technology controls for the “development” or “production” of this ECCN.

Related Definitions: N/A

Items:

a. Silicon having an isotopic impurity less than 0.08% of silicon isotopes other than silicon-28 or silicon-30; or

b. Germanium having an isotopic impurity less than 0.08% of germanium isotopes other than germanium-70, germanium-72, germanium-74, or germanium-76.

3C908 Fluorides, hydrides, chlorides, of silicon or germanium, containing any of the following (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT

Control(s)	<i>Country chart (see Supp. No. 1 to part 738)</i>
NS applies to entire entry.	Worldwide control. See § 742.4(a)(5) and (b)(10) of the EAR.
RS applies to entire entry.	Worldwide control. See § 742.6(a)(10) and (b)(11) of the EAR.
RS applies to the entire entry.	Worldwide control. See § 742.6(a)(10) and (b)(11) of the EAR.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A

GBS: N/A

IEC: Yes, see § 740.2(a)(22) and § 740.24 of the EAR.

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in this ECCN to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: See ECCN 3E901 for related technology controls for the “development” or “production” of this ECCN.

Related Definitions: N/A

Items:

a. Silicon having an isotopic impurity less than 0.08% of silicon isotopes other than silicon-28 or silicon-30; or

b. Germanium having an isotopic impurity less than 0.08% of germanium isotopes other than germanium-70, germanium-72, germanium-74, or germanium-76.

3C909 Silicon, silicon oxides, germanium or germanium oxides, containing any of the following (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT

Control(s)	<i>Country chart (see Supp. No. 1 to part 738)</i>
NS applies to entire entry.	Worldwide control. See § 742.4(a)(5) and (b)(10) of the EAR.
RS applies to the entire entry.	Worldwide control. See § 742.6(a)(10) and (b)(11) of the EAR.
AT applies to entire entry	AT Column 1.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A

GBS: N/A

IEC: Yes, see § 740.2(a)(22) and § 740.24 of the EAR.

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in this ECCN to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: See ECCN 3E901 for related technology controls for the “development” or “production” of this ECCN.

Related Definitions: N/A

Items:

a. Silicon having an isotopic impurity less than 0.08% of silicon isotopes other than silicon-28 or silicon-30; or

b. Germanium having an isotopic impurity less than 0.08% of germanium isotopes other than germanium-70, germanium-72, germanium-74, or germanium-76.

Note: 3C909 includes “substrates”, lumps, ingots, boules and preforms.

N.B.: For materials having layers of isotopically enriched silicon (Si) or germanium (Ge) isotopes, see 3C907.

* * * * *

3D001 “Software” “specially designed” for the “development” or “production” of commodities controlled by 3A001.b to 3A002.h, 3A090, or 3B (except 3B903, 3B904, 3B991 and 3B992).

License Requirements

Reason for Control: NS, RS, AT

Control(s)	<i>Country chart (see Supp. No. 1 to part 738)</i>
NS applies to “software” for equipment controlled by 3B001.c.1.a, 3B001.c.1.c, and 3B001.q.	Worldwide control. See § 742.4(a)(5) and (b)(10) of the EAR.

Control(s)	<i>Country chart (see Supp. No. 1 to part 738)</i>
RS applies to “software” for equipment controlled by 3B001.c.1.a, 3B001.c.1.c, and 3B001.q.	Worldwide control. See § 742.6(a)(10) and (b)(11) of the EAR.

NS applies to “software” for commodities controlled by 3A001.b to 3A001.h, 3A001.z, and 3B (except 3B001.a.4, c, d, f.1.b, j to p, 3B002.b and c).

NS applies to “software” for commodities controlled by 3B001.a.4, c, d, f.1.b, j to p, 3B002.b and c.

RS applies to “software” for commodities controlled by 3A001.z and 3A090.

To or within destinations specified in Country Group D:5 of supplement no. 1 to part 740 of the EAR or Macau. See § 742.4(a)(4) of the EAR.

To or within destinations specified in Country Groups D:1, D:4, and D:5 of supplement no. 1 to part 740 of the EAR, excluding any destination also specified in Country Groups A:5 or A:6. See § 742.6(a)(6)(iii) of the EAR.

AT applies to entire entry AT Column 1.

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, Special Comprehensive Licenses, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: Yes, except for “software” “specially designed” for the “development” or “production” of Traveling Wave Tube Amplifiers described in 3A001.b.8 having operating frequencies exceeding 18 GHz; or commodities specified in 3A090, 3B001.a.4, c, d, f.1.b, j to p, and 3B002.b and c.

Note: See § 740.2(a)(9)(ii) of the EAR for license exception restrictions for ECCN 3D001 “software” for commodities controlled by 3A001.z and 3A090.

IEC: Yes, for “software” for equipment controlled by 3B001.c.1.a, 3B001.c.1.c, and 3B001.q, see § 740.2(a)(22) and § 740.24 of the EAR.

Special Conditions for STA

STA: License Exception STA may not be used to ship or transmit “software” “specially designed” for the “development” or “production” of equipment specified by 3B001.c.1.a, c.1.b, or .q to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No.1 to part 740 of the EAR); and 3A090, 3A002.g.1, 3B001.a.4, a.2, c, d, f.1.b, j to p, or 3B002.b and c to any of the destinations listed in Country Group A:6.

List of Items Controlled

Related Controls: N/A

Related Definitions: N/A

Items: The list of items controlled is contained in the ECCN heading.

3D002 "Software" "specially designed" for the "use" of equipment controlled by 3B001.a to .f and .j to .p, or 3B002.

License Requirements

Reason for Control: NS, RS, AT

Table with columns: Control(s), Country chart (see Supp. No. 1 to part 738). Rows include NS applies to entire entry, RS applies to "software" for equipment controlled by 3B001.c.1.a or c.1.c., AT applies to entire entry.

License Requirements Note: See § 744.17 of the EAR for additional license requirements for microprocessors having a processing speed of 5 GFLOPS or more and an arithmetic logic unit with an access width of 32 bit or more, including those incorporating "information security" functionality, and associated "software" and "technology" for the "production" or "development" of such microprocessors.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: Yes, except N/A for RS. IEC: Yes, for "software" for equipment controlled by 3B001.c.1.a and 3B001.c.1.c, see § 740.2(a)(22) and § 740.24 of the EAR.

Special Conditions for STA

STA: License Exception STA may not be used to ship or transmit "software" "specially designed" for the "use" of equipment specified by 3B001.c.1.a or c.1.b to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No.1 to part 740 of the EAR)

List of Items Controlled

Related Controls: Also see 3D991.

Related Definitions: N/A

Items: The list of items controlled is contained in the ECCN heading.

* * * * *

3D901 "Software", not specified elsewhere, "specially designed" or modified for the "development" or "production" of items specified in ECCN 3A901.b, 3B903, or 3B904.

License Requirements

Reason for Control: NS, RS, AT

Control(s)

Country chart (see Supp. No. 1 to part 738)

NS applies to entire entry. RS applies to entire entry. AT applies to entire entry. Special Reporting: Deemed exports and deemed reexports of "software" specified in this ECCN for commodities in ECCNs 3A901.b, and 3B904 are subject to reporting requirements in accordance with § 743.8 of the EAR.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A IEC: Yes, see § 740.2(a)(22) and § 740.24 of the EAR.

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in this ECCN to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: N/A

Related Definitions: N/A

Items: The list of items controlled is contained in the ECCN heading.

* * * * *

3D907 "Software" designed to extract "GDSII" or equivalent standard layout data and perform layer-to-layer alignment from SEM images, and generate multi-layer "GDSII" data or the circuit netlist.

License Requirements

Reason for Control: NS, RS, AT

Control(s)

Country chart (see Supp. No. 1 to part 738)

NS applies to entire entry. RS applies to the entire entry. AT applies to entire entry.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A IEC: Yes, see § 740.2(a)(22) and § 740.24 of the EAR.

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in this ECCN to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: An example of an equivalent standard to "GDSII" would be Open Artwork System Interchange Standard (OASIS).

Related Definitions: N/A

Items: The list of items controlled is contained in the ECCN heading.

* * * * *

E. "Technology"

Note 1 to Cat 3 Product Group E: 3E001 and 3E905 do not apply to 'Process Design Kits' ('PDKs') unless they include libraries implementing functions or technologies for items specified by 3A001.

Technical Note: For the purposes of 3E001 and 3E905, a 'Process Design Kit' ('PDK') is a software tool provided by a semiconductor manufacturer to ensure that the required design practices and rules are taken into account in order to successfully produce a specific integrated circuit design in a specific semiconductor process, in accordance with technological and manufacturing constraints (each semiconductor manufacturing process has its particular 'PDK').

3E001 "Technology" according to the General Technology Note for the "development" or "production" of commodities controlled by 3A (except 3A901, 3A904, 3A980, 3A981, 3A991, 3A992, or 3A999), 3B (except 3B903, 3B904, 3B991 or 3B992) or 3C (except 3C907, 3C908, 3C909, or 3C992).

License Requirements

Reason for Control: NS, MT, NP, RS, AT

Control(s)

Country chart (see Supp. No. 1 to part 738)

NS applies to "technology" for commodities controlled by 3A001, 3A002, 3A003, 3B001 (except 3B001 a.4, c, d, f.1.b, j to p), 3B002 (except 3B002.b and c), or 3C001 to 3C006. NS applies to "technology" for equipment controlled by 3B001.c.1.a, 3B001.c.1.c, and 3B001.q. RS applies to "technology" for equipment controlled by 3B001.c.1.a, 3B001.c.1.c, and 3B001.q. NS applies to "technology" for 3B001 a.4, c, d, f.1.b, j to p, 3B002.b and c. MT applies to "technology" for commodities controlled by 3A001 or 3A101 for MT Reasons. NP applies to "technology" for commodities controlled by 3A001, 3A201, or 3A225 to 3A234 for NP reasons.

Control(s)	<i>Country chart (see Supp. No. 1 to part 738)</i>
RS applies to "technology" for commodities controlled in 3A090, when exported from Macau or a destination specified in Country Group D:5.	Worldwide (See § 742.6(a)(6)(ii)).
RS applies to "technology" for commodities controlled by 3A001.z, 3A090.	To or within destinations specified in Country Groups D:1, D:4, and D:5 of supplement no. 1 to part 740 of the EAR, excluding any destination also specified in Country Groups A:5 or A:6. See § 742.6(a)(6)(iii) of the EAR.
RS applies to "technology" for commodities controlled by 3B001.a.4, c, d, f.1.b, j to p, 3B002.b and c.	To or within destinations specified in Country Group D:5 of supplement no. 1 to part 740 of the EAR or Macau. See § 742.6(a)(6)(i) of the EAR.
RS applies to "technology" for commodities controlled by 3A001.a.15 or b.13, 3A004, 3B003, 3C007, 3C008, or 3C009.	RS Column 2.
AT applies to entire entry	AT Column 1.

License Requirements Note: See § 744.17 of the EAR for additional license requirements for microprocessors having a processing speed of 5 GFLOPS or more and an arithmetic logic unit with an access width of 32 bit or more, including those incorporating "information security" functionality, and associated "software" and "technology" for the "production" or "development" of such microprocessors.

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, Special Comprehensive Licenses, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: Yes, except N/A for MT, and "technology" for the "development" or "production" of: (a) vacuum electronic device amplifiers described in 3A001.b.8, having operating frequencies exceeding 19 GHz; (b) solar cells, coverglass-interconnect-cells or covered-interconnect-cells (CIC) "assemblies", solar arrays and/or solar panels described in 3A001.e.4; (c) "Monolithic Microwave Integrated Circuit" ("MMIC") amplifiers in 3A001.b.2; and (d) discrete microwave transistors in 3A001.b.3; (e) commodities described in 3A090, 3B001.a.4, c, d, f.1.b, j to p, 3B002.b and c.

Note: See § 740.2(a)(9)(ii) of the EAR for license exception restrictions for ECCN 3E001 "technology" for equipment controlled by 3A001.z, 3A090. IEC: Yes, for "technology" for equipment controlled by 3B001.c.1.a, 3B001.c.1.c, and 3B001.q, see § 740.2(a)(22) and § 740.24 of the EAR.

Special Conditions for STA

STA: License Exception STA may not be used to ship or transmit "technology" according to the General Technology Note for the "development" or "production" of equipment specified by ECCNs 3A002.g.1 or 3B001.a.2 to any of the destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR). License Exception STA may not be used to ship or transmit "technology" according to the General Technology Note for the "development" or "production" of components specified by ECCN 3A001.b.2, b.3, commodities specified in 3A090, 3B001.a.4, c, d, f.1.b, j to q, or 3B002.b and c, to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: (1) "Technology" according to the General Technology Note for the "development" or "production" of certain "space-qualified" atomic frequency standards described in Category XV(e)(9), MMICs described in Category XV(e)(14), and oscillators described in Category XV(e)(15) of the USML are "subject to the ITAR" (see 22 CFR parts 120 through 130). See also 3E101, 3E201 and 9E515. (2) "Technology" for "development" or "production" of "Microwave Monolithic Integrated Circuits" ("MMIC") amplifiers in 3A001.b.2 is controlled in this ECCN 3E001; 5E001.d refers only to that additional "technology" "required" for telecommunications.

Related Definition: N/A

Items: The list of items controlled is contained in the ECCN heading.

Note 1: 3E001 does not control "technology" for equipment or "components" controlled by 3A003.

Note 2: 3E001 does not control "technology" for integrated circuits controlled by 3A001.a.3 to a.14 or .z, having all of the following:

- (a) Using "technology" at or above 0.130 µm; and
- (b) Incorporating multi-layer structures with three or fewer metal layers.

* * * * *

3E901 "Technology" according to the General Technology Note for the "development" or "production" of items controlled by ECCN 3A901, 3A904, 3B903, 3B904, 3C907, 3C908, or 3C909.

License Requirements

Reason for Control: NS, RS, AT

Control(s)	<i>Country chart (see Supp. No. 1 to part 738)</i>
NS applies to entire entry.	Worldwide control. See § 742.4(a)(5) and (b)(10) of the EAR.
RS applies to the entire entry.	Worldwide control. See § 742.6(a)(10) and (b)(11) of the EAR.
AT applies to entire entry	AT Column 1.

Special Reporting: Deemed exports and deemed reexports of "technology" specified in this ECCN are subject to reporting requirements in accordance with § 743.8 of the EAR.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

IEC: Yes, see § 740.2(a)(22) and § 740.24 of the EAR.

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in this ECCN to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: N/A

Related Definitions: N/A

Items:

The list of items controlled is contained in the ECCN heading.

3E905 "Technology" according to the General Technology Note for the "development" or "production" of integrated circuits or devices, using "Gate all-around Field-Effect Transistor" ("GAAFET") structures.

License Requirements

Reason for Control: NS, RS, AT

Control(s)	<i>Country chart (see Supp. No. 1 to part 738)</i>
NS applies to entire entry.	Worldwide control. See § 742.4(a)(5) and (b)(10) of the EAR.
RS applies to the entire entry.	Worldwide control. See § 742.6(a)(10) and (b)(11) of the EAR.
AT applies to entire entry	AT Column 1.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

IEC: Yes, see § 740.2(a)(22) and § 740.24 of the EAR.

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in this ECCN to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No.1 to part 740 of the EAR).

Note: See General Order No. 6 in supplement no. 1 to part 736 for additional authorization that may apply for exports, reexports, or transfers (in-country) of this item.

List of Items Controlled

Related Controls: 1. ECCN 3E905 applies to process "technology" exclusively for the "development" or "production" of GAAFET structures of integrated circuits at a semiconductor wafer production facility. ECCN 3E905 does not, for example, control an integrated circuit design such as the physical layout file in "GDSII" format or EDA tools, or any other technology used to produce the physical layout file for integrated circuit design. 2. ECCN 3E905 does not apply to vertical GAAFET architectures, e.g., those used for 3D NAND.

Related Definitions: N/A

Items: The list of items controlled is contained in the ECCN heading.

Note 1: 3E905 includes 'process recipes'.

Note 2: 3E905. does not apply for tool qualification or maintenance.

Technical Note: For the purposes of Note 1 to 3E905, a 'process recipe' is a set of conditions and parameters for a particular process step.

4A906 Quantum computers and related "electronic assemblies," and "components" therefor, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to entire entry.	Worldwide control. See § 742.4(a)(5) and (b)(10) of the EAR.
RS applies to the entire entry.	Worldwide control. See § 742.6(a)(10) and (b)(11) of the EAR.
AT applies to entire entry	AT Column 1.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A

GBS: N/A

IEC: Yes, see § 740.2(a)(22) and § 740.24 of the EAR.

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in this ECCN to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: See ECCN 4D906 for related "software" controls for the "development" or "production" of this ECCN. See ECCN 4E906 for related "technology" controls for the "development" or "production" of this ECCN.

Related Definitions: N/A

Items:

- a. Quantum computers, as follows:
 - a.1. Quantum computers supporting 34 or more, but fewer than 100, 'fully controlled', 'connected' and 'working' 'physical qubits', and having a 'C-NOT error' of less than or equal to 10^{-4} ;
 - a.2. Quantum computers supporting 100 or more, but fewer than 200, 'fully controlled', 'connected' and 'working' 'physical qubits', and having a 'C-NOT error' of less than or equal to 10^{-3} ;
 - a.3. Quantum computers supporting 200 or more, but fewer than 350, 'fully controlled', 'connected' and 'working' 'physical qubits', and having a 'C-NOT error' of less than or equal to 2×10^{-3} ;
 - a.4. Quantum computers supporting 350 or more, but fewer than 500, 'fully controlled', 'connected' and 'working' 'physical qubits', and having a 'C-NOT error' of less than or equal to 3×10^{-3} ;
 - a.5. Quantum computers supporting 500 or more, but fewer than 700, 'fully controlled', 'connected' and 'working' 'physical qubits', and having a 'C-NOT error' of less than or equal to 4×10^{-3} ;
 - a.6. Quantum computers supporting 700 or more, but fewer than 1,100, 'fully controlled', 'connected' and 'working' 'physical qubits',

and having a 'C-NOT error' of less than or equal to 5×10^{-3} ;

a.7. Quantum computers supporting 1,100 or more, but fewer than 2,000, 'fully controlled', 'connected' and 'working' 'physical qubits', and having a 'C-NOT error' of less than or equal to 6×10^{-3} ;

a.8. Quantum computers supporting 2,000 or more 'fully controlled', 'connected' and 'working' 'physical qubits';

b. Qubit devices and qubit circuits, containing or supporting arrays of 'physical qubits', and "specially designed" for items specified by 4A906.a;

c. Quantum control components and quantum measurement devices, "specially designed" for items specified by 4A906.a;

Note 1: 4A906 applies to circuit model (or gate-based) and one-way (or measurement-based) quantum computers. This entry does not apply to adiabatic (or annealing) quantum computers.

Note 2: Items specified by 4A906 may not necessarily physically contain any qubits. For example, quantum computers based on photonic schemes do not permanently contain a physical item that can be identified as a qubit. Instead, the photonic qubits are generated while the computer is operating and then later discarded.

Note 3: Items specified by 4A906.b include semiconductor, superconducting, and photonic qubit chips and chip arrays; surface ion trap arrays; other qubit confinement technologies; and coherent interconnects between such items.

Note 4: 4A906.c applies to items designed for calibrating, initializing, manipulating or measuring the resident qubits of a quantum computer.

Technical Notes: For the purposes of 4A906:

1. A 'physical qubit' is a two-level quantum system used to represent the elementary unit of quantum logic by means of manipulations and measurements that are not error corrected. 'Physical qubits' are distinguished from logical qubits, in that logical qubits are error-corrected qubits comprised of many 'physical qubits'.

2. 'Fully controlled' means the 'physical qubit' can be calibrated, initialized, gated, and read out, as necessary.

3. 'Connected' means that two-qubit gate operations can be performed between any arbitrary pair of the available 'working' 'physical qubits'. This does not necessarily entail all-to-all connectivity.

4. 'Working' means that the 'physical qubit' performs universal quantum computational work according to the system specifications for qubit operational fidelity.

5. Supporting 34 or more 'fully controlled', 'connected', 'working' 'physical qubits' refers to the capability of a quantum computer to confine, control, measure and process the quantum information embodied in 34 or more 'physical qubits'.

6. 'C-NOT error' is the average physical gate error for the nearest-neighbor two-'physical qubit' Controlled-NOT (C-NOT) gates.

* * * * *

4D001 "Software" as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, CC, AT

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to entire entry.	NS Column 1.
RS applies to "software" for commodities controlled by 4A003.z, 4A004.z, and 4A005.z.	To or within destinations specified in Country Groups D:1, D:4, and D:5 of supplement no. 1 to part 740 of the EAR, excluding any destination also specified in Country Groups A:5 or A:6. See § 742.6(a)(6)(iii) of the EAR.
CC applies to "software" for computerized finger-print equipment controlled by 4A003 for CC reasons.	CC Column 1.
AT applies to entire entry	AT Column 1.

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: Yes, except for "software" for the "development" or "production" of the following:

- (1) Commodities with an "Adjusted Peak Performance" ("APP") exceeding 29 WT; or
- (2) Commodities controlled by 4A005 or "software" controlled by 4D004.

APP: Yes to specific countries (see § 740.7 of the EAR for eligibility criteria).

ACE: Yes for 4D001.a (for the "development", "production" or "use" of equipment or "software" specified in ECCN 4A005 or 4D004), except to Country Group E:1 or E:2. See § 740.22 of the EAR for eligibility criteria.

Note: See § 740.2(a)(9)(ii) for license exception restrictions for "software" for commodities controlled by 4A003.z, 4A004.z, and 4A005.z.

Special Conditions for STA

STA: License Exception STA may not be used to ship or transmit "software" "specially designed" or modified for the "development" or "production" of equipment specified by ECCN 4A001.a.2 or for the "development" or "production" of "digital computers" having an 'Adjusted Peak Performance' ('APP') exceeding 29 Weighted TeraFLOPS (WT) to any of the destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR); and may not be used to ship or transmit "software" specified in 4D001.a "specially designed" for the "development" or "production" of equipment specified by ECCN 4A005 to any of the destinations listed in Country Group A:5 or A:6.

List of Items Controlled

Related Controls: N/A

Related Definitions: N/A

Items:

a. "Software" "specially designed" or modified for the "development" or "production", of equipment or "software" controlled by 4A001, 4A003, 4A004, 4A005 or 4D (except 4D090, 4D906, 4D980, 4D993 or 4D994).

b. "Software", other than that controlled by 4D001.a, "specially designed" or modified for the "development" or "production" of equipment as follows:

b.1. "Digital computers" having an "Adjusted Peak Performance" ("APP") exceeding 24 Weighted TeraFLOPS (WT);

b.2. "Electronic assemblies" "specially designed" or modified for enhancing performance by aggregation of processors so that the "APP" of the aggregation exceeds the limit in 4D001.b.1.

* * * * *

4D906 "Software" "specially designed" or modified for the "development" or "production" of commodities controlled by 4A906.b or 4A906.c.

License Requirements

Reason for Control: NS, RS, AT

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to entire entry.	Worldwide control. See § 742.4(a)(5) and (b)(10) of the EAR.
RS applies to the entire entry.	Worldwide control. See § 742.6(a)(10) and (b)(11) of the EAR.
AT applies to entire entry	AT Column 1.

Special Reporting: Deemed exports and deemed reexports of "software" specified in this ECCN are subject to reporting requirements in accordance with § 743.8 of the EAR.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

IEC: Yes, see § 740.2(a)(22) and § 740.24 of the EAR.

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in this ECCN to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: See ECCN 4E906 for related "technology" controls for the "development" or "production" of this ECCN.

Related Definitions: N/A

Items: The list of items controlled is contained in the ECCN heading.

* * * * *

4E001 "Technology" as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, MT, RS, CC, AT

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to entire entry, except for "technology" for 4A090 or "software" specified by 4D090.	NS Column 1.
MT applies to "technology" for items controlled by 4A001.a and 4A101 for MT reasons.	MT Column 1.
RS applies to "technology" for commodities controlled by 4A003.z, 4A004.z, 4A005.z, 4A090 or "software" specified by 4D001 (for 4A003.z, 4A004.z, and 4A005.z), 4D090.	To or within destinations specified in Country Groups D:1, D:4, and D:5 of supplement no. 1 to part 740 of the EAR, excluding any destination also specified in Country Groups A:5 or A:6. See § 742.6(a)(6)(iii) of the EAR.
CC applies to "software" for computerized finger-print equipment controlled by 4A003 for CC reasons.	CC Column 1.
AT applies to entire entry	AT Column 1.

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a description of all license exceptions)

TSR: Yes, except for the following:

(1) "Technology" for the "development" or "production" of commodities with an "Adjusted Peak Performance" ("APP") exceeding 70 WT or for the "development" or "production" of commodities controlled by 4A005 or "software" controlled by 4D004; or

(2) "Technology" for the "development" of "intrusion software".

APP: Yes, to specific countries (see § 740.7 of the EAR for eligibility criteria).

ACE: Yes for 4E001.a (for the "development", "production" or "use" of equipment or "software" specified in ECCN 4A005 or 4D004); and for 4E001.c, except to Country Group E:1 or E:2. See § 740.22 of the EAR for eligibility criteria.

Note: See § 740.2(a)(9)(ii) of the EAR for license exception restrictions for technology for .z paragraphs under ECCNs 4A003, 4A004, 4A005 or 4A090, or "software" specified by 4D001 (for 4A003.z, 4A004.z, 4A005.z, and 4A090).

Special Conditions for STA

STA: License Exception STA may not be used to ship or transmit "technology" according to the General Technology Note for the "development" or "production" of any of the following equipment or "software": a. Equipment specified by ECCN 4A001.a.2; b. "Digital computers" having an "Adjusted Peak Performance" ("APP") exceeding 70 Weighted TeraFLOPS (WT); or c. "software" specified in the License Exception STA paragraph found in the License Exception section of ECCN

4D001 to any of the destinations listed in Country Group A:6 (See Supplement No. 1 to part 740 of the EAR).

List of Items Controlled

Related Controls: N/A

Related Definitions: N/A

Items:

a. "Technology" according to the General Technology Note, for the "development", "production", or "use" of equipment or "software" controlled by 4A (except 4A906, 4A980 or 4A994 and "use" of equipment controlled under 4A090) or 4D (except 4D906, 4D980, 4D993, 4D994 and "use" of software controlled under 4D090).

b. "Technology" according to the General Technology Note, other than that controlled by 4E001.a, for the "development" or "production" of equipment as follows:

b.1. "Digital computers" having an "Adjusted Peak Performance" ("APP") exceeding 24 Weighted TeraFLOPS (WT);

b.2. "Electronic assemblies" "specially designed" or modified for enhancing performance by aggregation of processors so that the "APP" of the aggregation exceeds the limit in 4E001.b.1.

c. "Technology" for the "development" of "intrusion software."

Note 1: 4E001.a and .c do not apply to "vulnerability disclosure" or "cyber incident response".

Note 2: Note 1 does not diminish national authorities' rights to ascertain compliance with 4E001.a and .c.

* * * * *

4E906 "Technology" according to the General Technology Note as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to entire entry.	Worldwide control. See § 742.4(a)(5) and (b)(10) of the EAR.
RS applies to the entire entry.	Worldwide control. See § 742.6(a)(10) and (b)(11) of the EAR.
AT applies to entire entry	AT Column 1.

Special Reporting: Deemed exports and deemed reexports of "technology" specified in this ECCN are subject to reporting requirements in accordance with § 743.8 of the EAR.

List Based License Exceptions (See Part 740 for a description of all license exceptions)

TSR: N/A

IEC: Yes, see § 740.2(a)(22) and § 740.24 of the EAR.

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in this ECCN to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: N/A
Related Definitions: N/A
Items:

a. “Technology” for the “development” or “production” of items controlled by 4A906.b, 4A906.c, or 4D906;

b. “Technology” for “use” of “software” controlled by 4D906.
* * * * *

Thea D. Rozman Kendler,
Assistant Secretary for Export Administration.

[FR Doc. 2024–19633 Filed 9–5–24; 8:45 am]

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Federal Register

Vol. 89, No. 173

Friday, September 6, 2024

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Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	202-741-6000
Laws	741-6000
Presidential Documents	
Executive orders and proclamations	741-6000
The United States Government Manual	741-6000
Other Services	
Electronic and on-line services (voice)	741-6020
Privacy Act Compilation	741-6050

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FEDERAL REGISTER PAGES AND DATE, SEPTEMBER

71153-71794.....	3
71795-72278.....	4
72279-72714.....	5
72715-72956.....	6

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR	5.....	71803
	9.....	71803
Proclamations:	10.....	71803
10795.....	11.....	71803
10796.....	12.....	71803
10797.....	13.....	71803
10798.....	14.....	71803
10799.....	15.....	71803
10800.....	16.....	71803
10801.....	17.....	71803
10802.....	18.....	71803
Administrative Orders:	20.....	71803
Memorandums:	23.....	71803
Memorandum of	30.....	71803
August 9, 2024.....	31.....	71803
Memorandum of	37.....	71803
August 16, 2024.....	41.....	71803
Memorandum of	43.....	71803
August 23, 2024.....	45.....	71803
Presidential	46.....	71803
Determinations:	49.....	71803
No. 2024-10 of August	140.....	71803
9, 2024.....	142.....	71803
	144.....	71803
	145.....	71803
	146.....	71803
	147.....	71803
	148.....	71803
	149.....	71803
	150.....	71803
	155.....	71803
	160.....	71803
	162.....	71803
	165.....	71803
	170.....	71803
	171.....	71803
10 CFR		
72.....	72299, 72304	
Proposed Rules:		
72.....	72342, 72344	
11 CFR		
Proposed Rules:		
104.....	72346	
12 CFR		
Proposed Rules:		
613.....	72759	
13 CFR		
Proposed Rules:		
126.....	72763	
14 CFR		
39.....	72309, 72312	
Proposed Rules:		
71.....	71189, 71191, 71863, 72765	
15 CFR		
734.....	71803	
736.....	72926	
738.....	72926	
740.....	71803, 72926	
742.....	72926	
743.....	72926	
744.....	71803	
746.....	71803	
772.....	72926	
774.....	71803, 72926	
17 CFR		
1.....	71803	
3.....	71803	
21 CFR		
573.....	72315	
864.....	72315	
870.....	72317	
872.....	71153, 72320	
876.....	72715	
882.....	71155	
886.....	72322	
888.....	71157	
890.....	71159	
24 CFR		
Proposed Rules:		
5.....	72766	
26 CFR		
Proposed Rules:		
1.....	71193, 71214, 71864	
301.....	71214, 72348	
30 CFR		
550.....	71160	
31 CFR		
548.....	72717	
587.....	72717, 72718, 72719	

1010.....72156
1032.....72156

32 CFR

Proposed Rules:
3.....71865

33 CFR

10071821, 71823, 71824,
72323, 72327, 72721
117.....71184
165.....71824, 72329
Proposed Rules:
100.....72348

36 CFR

Proposed Rules:
1191.....71215

38 CFR

Proposed Rules:
21.....72351

40 CFR

5271185, 71826, 71830,
72721
81.....71830
98.....71838
300.....72331
705.....72336

Proposed Rules:

5271230, 71237, 71872,
72353, 72770
63.....72355
180.....72775
300.....72356
705.....72362

46 CFR

Proposed Rules:
401.....71877

47 CFR

11.....72724
64.....71848

73.....72738

Proposed Rules:
90.....72780
96.....72780

50 CFR

17.....72739
622.....71860
648.....72758
679.....71861, 72340
Proposed Rules:
17.....72362
622.....72794
635.....72796

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion

in today's **List of Public Laws**.

Last List August 1, 2024

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