



# FEDERAL REGISTER

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Vol. 89

Wednesday,

No. 26

February 7, 2024

Pages 8329–8524

OFFICE OF THE FEDERAL REGISTER



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

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# Rules and Regulations

Federal Register

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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.

The Code of Federal Regulations is sold by the Superintendent of Documents.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 50 and 52

[NRC–2023–0089]

#### Regulatory Guide: Guidelines for Lightning Protection for Production and Utilization Facilities

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 1 to Regulatory Guide (RG), 1.204, “Guidelines for Lightning Protection for Production and Utilization Facilities.” This regulatory guide (RG) revision endorses, with clarifications and exceptions, the methods described in four Institute of Electrical and Electronics Engineers (IEEE) Standards (Std.). This revision also addresses one National Fire Protection Association standard and one Underwriters Laboratory standard as useful secondary references for demonstrating compliance with the applicable NRC regulations for adequate lightning protection of safety-related systems, structures, and components.

**DATES:** Revision 1 to RG 1.204 is available on February 7, 2024.

**ADDRESSES:** Please refer to Docket ID NRC–2023–0089 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2023–0089. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

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

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Revision 1 to RG 1.204 and the regulatory analysis may be found in ADAMS under Accession Nos. ML23241A957 and ML22208A234, respectively.

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**FOR FURTHER INFORMATION CONTACT:** Roy Hardin, telephone: (301) 415–2181; email: [Roy.Hardin@nrc.gov](mailto:Roy.Hardin@nrc.gov) and James Steckel, telephone: (301) 415–1026; email: [James.Steckel@nrc.gov](mailto:James.Steckel@nrc.gov). Both are staff of the Office of Nuclear Regulatory Research at the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

#### SUPPLEMENTARY INFORMATION:

##### I. Discussion

The NRC is issuing a revision in the NRC’s “Regulatory Guide” series. This series was developed to describe methods that are acceptable to the NRC staff for implementing specific parts of the agency’s regulations, to explain techniques that the staff uses in evaluating specific issues or postulated events, and to describe information that the staff needs in its review of applications for permits and licenses.

The proposed Revision 1 to RG 1.204 was issued with a temporary identification of draft Regulatory Guide, DG–1409. Revision 0 of RG 1.204 was

issued in November 2005 to endorse IEEE Std. 665–1995; IEEE Std. 666–1991; IEEE Std. 1050–1996; and IEEE Std. C62.23–1995. The IEEE standards 1050, 666 and C62.23 were revised in 2004, 2007 and 2017, respectively. This revision updates the RG and endorses IEEE Std. 665–1995, IEEE Std. 1050–2004; IEEE Std. 666–2007; and IEEE Std. C62.23–2017, with certain clarifications. This revision also addresses one National Fire Protection Association standard and one Underwriters Laboratory standard as useful secondary references for demonstrating compliance with the applicable NRC regulations for adequate lightning protection of safety-related systems, structures, and components.

##### II. Additional Information

The NRC published a notice of the availability of DG–1409 in the **Federal Register** on May 3, 2023 (88 FR 27714) for a 30-day public comment period. The public comment period closed on June 2, 2023. Public comments on DG–1409 and the staff responses to the public comments are available under ADAMS under Accession No. ML23241A965.

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

##### III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

##### IV. Backfitting, Forward Fitting, and Issue Finality

The NRC staff may use this RG as a reference in its regulatory processes, such as licensing, inspection, or enforcement. However, the NRC staff does not intend to use the guidance in this RG to support NRC staff actions in a manner that would constitute backfitting as that term is defined in section 50.109 of title 10 of the *Code of Federal Regulations* (10 CFR), “Backfitting,” and as described in NRC Management Directive (MD) 8.4, “Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests,” nor does the NRC staff

intend to use the guidance to affect the issue finality of an approval under 10 CFR part 52, “Licenses, Certifications, and Approvals for Nuclear Power Plants.” The staff also does not intend to use the guidance to support NRC staff actions in a manner that constitutes forward fitting as that term is defined and described in MD 8.4. If a licensee believes that the NRC is using this RG in a manner inconsistent with the discussion in the Implementation section of the RG, then the licensee may file a backfitting or forward fitting appeal with the NRC in accordance with the process in MD 8.4.

## V. Submitting Suggestions for Improvement of Regulatory Guides

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

Dated: February 1, 2024.

For the Nuclear Regulatory Commission.

**Meraj Rahimi,**

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

[FR Doc. 2024-02407 Filed 2-6-24; 8:45 am]

BILLING CODE 7590-01-P

## DEPARTMENT OF JUSTICE

### Bureau of Prisons

#### 28 CFR Part 543

[BOP-1175-I]

RIN 1120-AB75

#### Inmate Legal Activities: Visits by Attorneys

**AGENCY:** Bureau of Prisons, Justice.

**ACTION:** Interim final rule; request for comments.

**SUMMARY:** The Bureau of Prisons (Bureau) amends regulations in 28 CFR part 543, subpart B—Inmate Legal Activities to revise procedures governing attorney visits.

#### DATES:

**Effective date:** This rule is effective February 7, 2024.

**Comments:** Written comments must be postmarked and electronic comments must be submitted on or before April 8, 2024. Commenters should be aware that

the electronic Federal Docket Management System will not accept comments after Midnight Eastern Time on the last day of the comment period.

**ADDRESSES:** If you wish to provide comment regarding this rulemaking, you must submit comments, identified by the agency name and reference Docket No. BOP 1175 or RIN 1120-AB75, by one of the two methods below.

**Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the website instructions for submitting comments. The electronic Federal Docket Management System at [www.regulations.gov](http://www.regulations.gov) will accept electronic comments until 11:59 p.m. Eastern Time on the comment due date.

**Mail:** Paper comments that duplicate an electronic submission are unnecessary. If you wish to submit a paper comment in lieu of electronic submission, please direct the mail/shipment to: Rules Administrator, Legislative and Correctional Issues Branch, Office of General Counsel, Bureau of Prisons, 320 First Street NW, Washington, DC 20534. To ensure proper handling, please reference the agency name and Docket No. BOP 1175 or RIN 1120-AB75 on your correspondence. Mailed items must be postmarked or otherwise indicate a shipping date on or before the submission deadline.

#### FOR FURTHER INFORMATION CONTACT:

Daniel J. Crooks III, Assistant General Counsel/Rules Administrator, Federal Bureau of Prisons, at the address above or at (202) 353-4885.

**SUPPLEMENTARY INFORMATION:** Please note that all comments received are considered part of the public record and made available for public inspection online at [www.regulations.gov](http://www.regulations.gov). If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be posted online, you must include the phrase “PERSONAL IDENTIFYING INFORMATION” in the first paragraph of your comment. You must also locate all the personal identifying information you do not want posted online in the first paragraph of your comment and identify what information you want redacted.

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Personal identifying information identified and located as set forth above will be placed in the agency’s public docket file, but not posted online. Confidential business information identified and located as set forth above will not be placed in the public docket file. If you wish to inspect the agency’s public docket file in person by appointment, please see the **FOR FURTHER INFORMATION CONTACT** paragraph.

## II. Background

On July 20, 2023, the Deputy Attorney General issued a memorandum instructing the Bureau to implement the Report and Recommendations (Report) of the Advisory Group on Access to Counsel, which focused on access to counsel at Bureau pretrial facilities.<sup>1</sup> The Report provides an overview of the Department of Justice’s (Department) approach to ensuring access to counsel in Bureau pretrial facilities and recommends specific measures to promote such access.<sup>2</sup> Among the 30 recommendations included is recommendation 2.1., which provides:

Update BOP’s regulations related to scheduling legal visits to conform with current practice. BOP’s current regulations (28 CFR 543.13) state that all legal visits must be scheduled in advance. Although that provision may be reasonable for BOP facilities that do not have a pretrial mission, it is inconsistent with visitation policies and practices at 9 of BOP’s 10 pretrial facilities and with attorney preferences. BOP, in consultation with ATJ, should revise this regulation to allow for walk-in visits at all pretrial facilities.<sup>3</sup>

The current regulations governing attorney visits were promulgated on June 27, 1979,<sup>4</sup> and have not been updated in 44 years. In the portion of the preamble addressing the addition of § 543.13 those many years ago, the Bureau responded to some commenters and noted:

Some objections were raised to the requirement in proposed § 540.46 that attorneys make advance appointments prior to visiting an inmate client, on the basis that attorneys, at least during regular visiting

<sup>1</sup> U.S. Dep’t of Justice, Report and Recommendations Concerning Access to Counsel at the Federal Bureau of Prisons’ Pretrial Facilities (July 20, 2023), available at [https://www.justice.gov/d9/2023-07/2023.07.20\\_atj\\_bop\\_access\\_to\\_counsel\\_report.pdf](https://www.justice.gov/d9/2023-07/2023.07.20_atj_bop_access_to_counsel_report.pdf).

<sup>2</sup> *Id.*, at i.

<sup>3</sup> *Id.* at 26.

<sup>4</sup> 44 FR 38254, 38263–64, available at <https://www.govinfo.gov/content/pkg/FR-1979-06-29/pdf/FR-1979-06-29.pdf> (p. 349 of the .pdf).

hours, should not be subject to any more stringent regulations than other visitors. The provision for attorney visits, however, is necessary given the arrangements which often must be made to provide added privacy for attorney client consultation. This by no means prohibits attorneys from making regular visits without prior appointments under the same conditions as other visitors.<sup>5</sup>

The Bureau welcomes this opportunity to further clarify procedures governing how attorneys can arrange to visit their clients.

### III. Discussion

The Bureau agrees that an update to its attorney-visit regulations is needed to clarify current practices and the unique role of Bureau institutions with pretrial missions. Recognizing that the right to counsel safeguarded by the Sixth Amendment is critical for protecting fairness and accuracy in the criminal justice system, the Bureau embraces revisions to its attorney-visit regulations in order to expand access to this fundamental right. This interim final rule will encourage meaningful access to the right to counsel by amending the procedures whereby attorneys can request to visit their clients in pretrial detention within a Bureau institution. Accordingly, to give full effect to the Report's recommendation 2.1, the Bureau revises two paragraphs within § 543.13.

#### § 543.13(c)

The current version of § 543.13(c) provides that, to schedule any legal visit at any Bureau institution, an attorney must make an advance appointment for a visit through the warden, who in turn must make "every effort" to arrange for that visit when prior notification is not practical.<sup>6</sup> Nothing in this paragraph distinguishes between Bureau institutions housing pretrial detainees and unsentenced individuals from Bureau institutions that house individuals who have been convicted. Therefore, the Bureau revises this paragraph to address pretrial detainees' and unsentenced individuals' right of access to counsel.

There are two substantive changes to this paragraph. First, we added introductory language to distinguish Bureau institutions that house convicted individuals from those that house pretrial detainees and unsentenced individuals. With this qualifying language, we affirm the current attorney-visit procedures used by Bureau institutions that house only convicted individuals. Attorneys seeking to visit clients at one of these

Bureau institutions are still required to make an advance appointment to visit their client, and the warden of the institution is still required to make every effort to accommodate a last-minute visit when advance notice is not practicable (*i.e.*, not possible). Second, we revised the last sentence to refer specifically to Bureau institutions that house pretrial detainees and unsentenced individuals, emphasizing that those institutions must allow both scheduled and unscheduled attorney visits during designated attorney visitation hours. Both changes effectively revise the regulation to allow for walk-in attorney visits at all Bureau institutions that house pretrial detainees and unsentenced individuals.

#### § 543.13(e)

In keeping with the theme and purpose of the Report, we have also decided to underscore the importance of attorney-client confidentiality during attorney visits by emphasizing that Bureau employees are prohibited from subjecting those visits to auditory supervision. To accomplish this, we deleted the permissive "may" and replaced it with the mandatory "shall" in the first sentence of the paragraph.

### IV. Regulatory Certifications

#### *Executive Orders 12866, 13563, and 14094 (Regulatory Review)*

The Department has determined that this rulemaking is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review. Accordingly, this interim final rule has not been submitted to the Office of Management and Budget ("OMB") for review. This interim final rule has been drafted and reviewed in accordance with Executive Order 12866, "Regulatory Planning and Review," section 1(b), Principles of Regulation; in accordance with Executive Order 13563, "Improving Regulation and Regulatory Review," section 1(b), General Principles of Regulation, and in accordance with Executive Order 14094, "Modernizing Regulatory Review".

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of using the best available methods to quantify costs and benefits, reducing costs,

harmonizing rules, and promoting flexibility.

#### *Executive Order 13132—Federalism*

This interim final rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this interim final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### *Executive Order 12988—Civil Justice Reform (Plain Language)*

This interim final rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 to specify provisions in clear language. Pursuant to section 3(b)(1)(I) of the Executive Order, nothing in this interim final rule or any previous rule (or in any administrative policy, directive, ruling, notice, guideline, guidance, or writing) directly relating to the Program that is the subject of this interim final rule is intended to create any legal or procedural rights enforceable against the United States.

#### *Executive Order 13175—Consultation and Coordination With Indian Tribal Governments*

As set forth more fully above in the Supplementary Information portion, this interim final rule will not result in substantial direct increased costs to Indian Tribal governments.

#### *Administrative Procedure Act, 5 U.S.C. 553*

This interim final rule is a rule of agency organization, procedure, and practice and is, therefore, exempt from the notice requirement of 5 U.S.C. 553(b), and is made immediately effective upon issuance. Further, to the extent this interim final rule affects entities other than the agency, the changes being made are merely technical in nature and impose no new restrictions. Accordingly, the Bureau of Prisons also finds good cause for exempting this interim final rule from the provision of the Administrative Procedure Act (5 U.S.C. 553) requiring prior notice of proposed rulemaking, and delay in effective date. Nevertheless, the Bureau of Prisons is accepting post-promulgation public comments.

"Unless a statutory exception applies, the APA requires agencies to publish a notice of proposed rulemaking in the

<sup>5</sup> *Id.* at 38264.

<sup>6</sup> 28 CFR 543.13(c).

**Federal Register** before promulgating a rule that has legal force.” *Little Sisters of the Poor Sts. Peter & Paul Home v. Pennsylvania*, 591 U.S. ---, 140 S. Ct. 2367, 2384 (2020). The Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) allows exceptions to notice-and-comment rulemaking “when the agency for good cause finds . . . that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.” Further, 5 U.S.C. 553(d) provides an exception to the usual requirement of a delayed effective date for a substantive rule that relieves a restriction, or when the agency finds “good cause” that the rule be made immediately effective.

An agency may find that notice and comment is “unnecessary” where the administrative rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and public. *Mack Trucks, Inc. v. EPA*, 682 F.3d 87, 94 (D.C. Cir. 2012); *Util. Solid Waste Activities Grp. v. EPA*, 236 F.3d 749, 754–55 (D.C. Cir. 2001). Unlike previous Bureau interim final rules courts have addressed, this interim final rule is by its nature non-substantive, functioning only as updated guidance on attorney visits to Bureau institutions by specifically expanding access to counsel for pre-trial detainees in Bureau custody. *Cf. Paulsen v. Daniels*, 413 F.3d 999 (9th Cir. 2005) (holding the Bureau violated the APA by issuing an interim final rule that had “the effect . . . [of] deny[ing] program eligibility to certain categories of inmates . . .”).

This rulemaking is exempt from normal notice-and-comment procedures because advance notice in this instance is unnecessary. The change to this regulation is non-substantive, minor, routine, insignificant, and made only to clarify procedures for attorney visits at Bureau institutions and to further promote inmates’ right of access to counsel. This interim final rule makes no change to any rights or responsibilities of the agency or any regulated entities and, instead, seeks to promptly clarify procedures primarily for the benefit of current inmates and their attorneys who require access to them while they are housed at Bureau facilities designated for pretrial and presentenced detainees. For the same reasons, the Bureau finds that “good cause” exists to make this interim final rule immediately effective upon publication. Nevertheless, the Bureau of Prisons is accepting post-promulgation public comments.

#### *Unfunded Mandates Reform Act of 1995*

This interim final rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year (adjusted for inflation), and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### *Regulatory Flexibility Act*

The Director has reviewed this regulation in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)) and has determined that this interim final rule will not have a significant economic impact on a substantial number of small entities. Further, a regulatory flexibility analysis is not required when the agency is not required to publish a general notice of proposed rulemaking, as is the case here. 5 U.S.C. 601(2), 604(a).

#### *Congressional Review Act*

This regulation is not a major rule as defined by the Congressional Review Act, 5 U.S.C. 804.

#### **List of Subjects in 28 CFR Part 543**

Prisoners, Legal activities.

Accordingly, under rulemaking authority vested in the Attorney General in 5 U.S.C 301; 28 U.S.C. 509, 510 and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96, the Bureau amends 28 CFR part 543 as follows.

#### **SUBCHAPTER C—INSTITUTIONAL MANAGEMENT**

#### **PART 543—LEGAL MATTERS**

- 1. The authority citation for part 543 continues to read as follows:

**Authority:** 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081 (Repealed in part as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510 1346(b), 2671–80; 28 CFR 0.95–0.99, 0.172, 14.1–11.

#### **Subpart B—Inmate Legal Activities**

- 2. In § 543.13, revise paragraph (c) and the first sentence of paragraph (e) to read as follows:

##### **§ 543.13 Visits by attorneys.**

\* \* \* \* \*

(c) For Bureau institutions that do not house pretrial detainees and unsentenced individuals, the attorney shall make an advance appointment for the visit through the Warden prior to

each visit. However, the Warden shall make every effort to arrange for a visit when prior notification is not practicable. Bureau institutions that house pretrial detainees and unsentenced individuals will allow scheduled and unscheduled attorney visits during designated attorney visitation hours.

\* \* \* \* \*

(e) Staff shall not subject visits between an attorney and an inmate to auditory supervision. \* \* \*

\* \* \* \* \*

**Colette S. Peters,**

*Director, Federal Bureau of Prisons.*

[FR Doc. 2024–02470 Filed 2–6–24; 8:45 am]

**BILLING CODE 4410–05–P**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 165**

[Docket No. USCG–2024–0105]

#### **Safety Zones in Reentry Sites; Jacksonville, Florida**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notification of enforcement of regulation.

**SUMMARY:** The Coast Guard is activating three safety zones for the AXIOM–3 Commercial Crew mission reentry, vehicle splashdown, and recovery operations. These operations will occur in the U.S. Exclusive Economic Zone (EEZ). Our regulation for safety zones in reentry sites within the Seventh Coast Guard District identifies the regulated areas for this event. No U.S.-flagged vessel may enter the safety zones unless authorized by the Captain of the Port Savannah or a designated representative. Foreign-flagged vessels are encouraged to remain outside the safety zones.

**DATES:** The regulations in 33 CFR 165.T07–0806 will be enforced for the safety zones identified in the **SUPPLEMENTARY INFORMATION** section below for the dates and times specified.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notification of enforcement, call or email Lieutenant Junior Grade Anthony Harris, Marine Safety Unit Savannah, Waterways Division, U.S. Coast Guard; telephone 912–210–8714, email: [Anthony.E.Harris@uscg.mil](mailto:Anthony.E.Harris@uscg.mil).

**SUPPLEMENTARY INFORMATION:** With this document, the Coast Guard Captain of the Port (COTP) Savannah is activating

a portion of the safety zone as listed in 33 CFR 165.T07–0806(a)(1), and the safety zones listed in (a)(2) and (a)(3) on February 2, 2024 through February 10, 2024, for the AXIOM–3 Commercial Crew mission reentry vehicle splashdown, and the associated recovery operations in the U.S. EEZ. These safety zones are located within the COTP Savannah Area of Responsibility (AOR) offshore of Jacksonville, Florida. The Coast Guard is activating these safety zones in order to protect vessels and waterway users from the potential hazards created by reentry vehicle splashdowns and recovery operations. In accordance with the general regulations in 33 CFR part 165, subpart C, no U.S.-flagged vessel may enter the safety zones unless authorized by the COTP Savannah or a designated representative except as provided in § 165.T07–0806(d)(3). All foreign-flagged vessels are encouraged to remain outside the safety zones.

There are two other safety zones listed in § 165.T07–0806(a)(2) through (a)(5), which are located within the COTP St. Petersburg and Jacksonville AORs, that are being simultaneously activated through separate notifications of enforcement of the regulation document issued under Docket Numbers USCG–2024–106, and USCG–2024–0085.<sup>1</sup>

Twenty-four hours prior to the Axiom-3 recovery operations, the COTP Jacksonville, the COTP Savannah, the COTP St. Petersburg, or designated representative will inform the public that whether any of the five safety zones described in § 165.T07–0806, paragraph (a), will remain activated (subject to enforcement). If one of the safety zones described in § 165.T07–0806, paragraph (a), remains activated it will be enforced for four hours prior to the Axiom-3 splashdown and remain activated until announced by Broadcast Notice to Mariners on VHF–FM channel 16, and/or Marine Safety Information Bulletin (as appropriate) that the safety zone is no longer subject to enforcement. After the Axiom-3 reentry vehicle splashdown, the COTP or a designated representative will grant general permission to come no closer than 3 nautical miles of any reentry vehicle or space support vessel engaged in the recovery operations, within the activated safety zone described in § 165.T07–0806, paragraph (a). Once the reentry vehicle, and any personnel involved in reentry service, are removed from the water and secured onboard a

space support vessel, the COTP or designated representative will issue a Broadcast Notice to Mariners on VHF–FM channel 16 announcing the activated safety zone is no longer subject to enforcement. The recovery operations are expected to last approximately one hour.

The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

Dated: February 1, 2024.

**Nathaniel L. Robinson,**

*Commander, U.S. Coast Guard, Captain of the Port Savannah.*

[FR Doc. 2024–02404 Filed 2–6–24; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 229

[Docket No. 240201–0032]

RIN 0648–BM31

#### Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations

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

**ACTION:** Final rule.

**SUMMARY:** NMFS is amending the Atlantic Large Whale Take Reduction Plan (Plan) to expand the boundaries of the seasonal Massachusetts Restricted Area (MRA) to include the wedge between State and Federal waters known as the Massachusetts Restricted Area Wedge (MRA Wedge). The MRA Wedge was seasonally closed to trap/pot fishing gear by emergency rulemaking in 2022 and 2023 to prevent the immediate risk to the North Atlantic right whale (*Eubalaena glacialis*, right whale) of mortality and serious injury caused by entanglement in fixed-gear buoy lines. Substantial observational evidence has documented the consistent presence of right whales within the MRA Wedge from February through April and aerial surveys have similarly documented the presence of aggregated fixed gear in the MRA Wedge during this same time period. Due to the co-occurrence of whales and buoy lines, both in high densities in this area during the specified times of year, this entanglement risk is expected to recur annually. This action will address this

gap in protection between seasonally closed State and Federal waters and reduce the incidental mortality and serious injury of right whales, fin whales (*Balaenoptera physalus*), and humpback whales (*Megaptera novaeangliae*) in commercial trap/pot fisheries. There is a specific carve out for this rule in the Consolidated Appropriations Act, 2023 (CAA).

**DATES:** This rule is effective March 8, 2024.

**ADDRESSES:** Copies of this action, including the Final Environmental Assessment (EA) and the Regulatory Impact Review/Final Regulatory Flexibility Analysis (RIR/FRFA) prepared in support of this action, are available via the internet at <https://www.regulations.gov/> or by contacting Jennifer Goebel (see **FOR FURTHER INFORMATION CONTACT** below).

Several of the background documents for the Plan and the take reduction planning process can also be downloaded from the Plan website (<https://www.fisheries.noaa.gov/ALWTRP>). Information on the analytical tools used to support the development and analysis of the final regulations can be found in the EA and appendices. The complete text of current regulations implementing the Plan can be found in 50 CFR 229.32 or downloaded from the Plan's website, along with outreach compliance guides to current regulations.

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Goebel, 978–281–9175, [jennifer.goebel@noaa.gov](mailto:jennifer.goebel@noaa.gov), Colleen Coogan, 978–281–9181, [colleen.coogan@noaa.gov](mailto:colleen.coogan@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

#### Background

The right whale population has been in decline since 2010, with the most recent published estimate of right whale population size in 2022 at 356 whales (95 percent confidence interval: 346–363) (Linden 2023) with a strong male bias (Hayes *et al.* 2023, Pace *et al.* 2017, Pace 2021). The steep population decline is a result of high levels of human-caused mortality from entanglement in fishing gear and vessel strikes in both the United States and Canada. An Unusual Mortality Event (UME) was declared for the population in 2017, due to high rates of documented vessel strikes and entanglement in fishing gear. As of January 18, 2024, the UME includes 36 detected mortalities (17 in 2017, 3 in 2018, 10 in 2019, 2 in 2020, 2 in 2021, 0 in 2022, and 2 in 2023). In addition, 35 serious injuries were documented (6 in 2017, 6 in 2018, 3 in 2019, 6 in 2020,

<sup>1</sup> These notifications of enforcement of the regulation can be found at: <https://regulations.gov> by searching for docket number USCG–2024–0106, and USCG–2024–0085.



5 in 2021, 4 in 2022, 4 in 2023, and 1 in 2024). Lastly, 51 morbidity (or sublethal injury or illness) cases were documented (13 in 2017, 12 in 2018, 6 in 2019, 6 in 2020, 2 in 2021, 6 in 2022, and 6 in 2023). See <https://www.fisheries.noaa.gov/national/marine-life-distress/2017-2023-north-atlantic-right-whale-unusual-mortality-event>. Documented mortalities and serious injuries represent a minimum; in some years population models estimate up to 64 percent of all mortalities are not seen and not accounted for in the right whale observed incident data (Pace *et al.* 2021, Pace *et al.* 2017).

The North Atlantic right whale is listed as an endangered species under the Endangered Species Act (ESA) and is a strategic stock under the Marine Mammal Protection Act (MMPA). NMFS is required by the MMPA to reduce mortality and serious injury incidental to commercial fishing to below a stock's potential biological removal (PBR) level. PBR is defined as "the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population." In the most recently published stock assessment report (Hayes *et al.* 2023), PBR for the North Atlantic right whale population is 0.7 whales per year. Between 2010 and 2024, there has not been a single year where observed mortality and serious injury of right whales was below PBR. Moreover, total estimated mortality has been higher than observed mortality (Hayes *et al.* 2023, Linden 2023, Pace *et al.* 2021).

The Plan was implemented in 1997 pursuant to section 118 of the MMPA (16 U.S.C. 1387) to reduce mortality and serious injury of three stocks of large whales (fin, humpback, and North Atlantic right) incidental to certain Category I and II fisheries. Under the MMPA, a strategic stock of marine mammals is defined as a stock for which at least one of the following is demonstrated: (1) the level of direct human-caused mortality exceeds the PBR level; (2) based on the best available scientific information, the stock is declining and is likely to be listed as a threatened species under the ESA within the foreseeable future; or (3) it is listed as a threatened or endangered species under the ESA or is designated as depleted under the MMPA (16 U.S.C. 1362(19)). The North Atlantic right whale is a strategic stock because the human-caused mortality exceeds the PBR level and because it is listed as endangered under the Endangered Species Act. When incidental mortality or serious injury of marine mammals

from commercial fishing exceeds a stock's PBR level, the MMPA directs NMFS to convene a take reduction team of stakeholders that includes representatives of the following: Federal agencies; each coastal State that has fisheries interacting with the species or stock; appropriate Regional Fishery Management Councils; interstate fisheries commissions; academic and scientific organizations; environmental groups; all commercial and recreational fisheries groups using gear types that incidentally take the species or stock; and, if relevant, Alaska Native organizations or Indian tribal organizations.<sup>1</sup>

The Atlantic Large Whale Take Reduction Team (Team) has 59 members, including 23 trap/pot and gillnet fishermen or fishery representatives. The background for the take reduction planning process and initial development of the Plan is provided in the preambles to the proposed rule (62 FR 16519, April 7, 1997), interim final rule (62 FR 39157, July 22, 1997), and final rule (64 FR 7529, February 16, 1999) implementing the initial plan. The Team met and recommended modifications to the Plan, implemented by NMFS through rulemaking, several times since 1997 in an ongoing effort to meet the MMPA take reduction goals.

The most recent modification to the Plan was implemented by a final rule published on September 17, 2021 (86 FR 51970). Mortalities and serious injuries of right whales continue at levels exceeding the right whale's PBR. Additional data on right whale population estimates, including cryptic (unobserved) mortality (Linden 2023, Pace *et al.* 2021, Pace *et al.* 2017), the stock's decline, changes in distribution and reproductive rates, and entanglement-related mortalities and serious injuries that have been documented in recent years, can be found in Chapters 2 and 4 of the Final Environmental Impact Statement (NMFS 2021a) and the preamble to the 2021 rule (86 FR 51970, September 17, 2021).

The 2021 rule inadvertently left a critical gap in protection for right whales in waters adjacent to the MRA. Observational sightings from 2018 through 2023 provide empirical evidence of the high risk of overlap between right whales and buoy lines in this area (see figures 2 and 3 below). The 2021 rule expanded the geographic extent of the MRA under the Plan to

mirror the area included in the 2021 Massachusetts State Commercial Trap Gear Closure to Protect Right Whales (322 CMR 12.04(2), hereafter referred to as MA State Waters Trap/Pot Closure), which extended restrictions north to the New Hampshire border (figure 1). The MRA, as implemented under the Plan, is in place from February 1 through April 30, while the MA State Waters Trap/Pot Closure area is closed from February 1 through May 15, with the option to open early on April 30 or extend the closure in May depending on right whale sightings and copepod abundance. The implementation of the 2021 MRA expansion left open approximately 200 square miles (518 square kilometers) of Federal waters, called the MRA Wedge, nearly enclosed by State and Federal closures. In addition to gear normally fished in the MRA Wedge (figure 1) during these months, the State water closure caused gear aggregation in this area, necessitating a similar seasonal closure contemporaneous with the State and Federal closures in adjacent waters. Center for Coastal Studies (CCS) and the Northeast Fisheries Science Center (NEFSC) reported consistent observations of right whales within the MRA Wedge from February through April 2018–2023 (figure 3). Aerial surveys conducted by CCS in April 2021 and February and March of 2022 also documented the presence of aggregated fixed fishing gear in the MRA Wedge and in waters north of the MRA (figure 2). Though right whales and the associated entanglement risk are present annually in Federal waters adjacent to Massachusetts before and after the February 1 through April 30 MRA trap/pot closure period, the MRA Wedge poses an acute entanglement risk to right whales from February through April during the MRA closure.

In January 2022, NMFS received letters and emails from Massachusetts Division of Marine Fisheries (MA DMF), Stellwagen Bank National Marine Sanctuary, and non-governmental organizations expressing concerns about this gap in restricted waters and the heightened risk of entanglement for right whales during the MRA closure period from February through April (see Appendix 3.1 in the associated EA for this action for Letters of Concern). After further reviewing available information and considering the high entanglement risk in this relatively small area, NMFS prepared and issued an emergency rule prohibiting trap/pot fishery buoy lines within the MRA Wedge for the month of April 2022 (87 FR 11590, March 2, 2022). Though the January 2022 letter

<sup>1</sup> There are no Alaska Native or Indian tribal organizations on the Atlantic Large Whale Take Reduction Team.

from MA DMF requested a closure to coincide with the MRA closure period, running from February through April, the emergency closure in the MRA Wedge was only implemented in April 2022 due to the months required to prepare a new emergency rule and EA (NMFS 2022) analyzing the potential economic and biological impacts of the closure.

In December 2022, the Team voted by majority on recommendations to further reduce right whale entanglement mortality and serious injury in U.S. commercial fisheries regulated under the Plan. Among the measures recommended was a spatially expanded MRA that would address the entanglement risk in the MRA Wedge and waters farther north, including Jeffreys Ledge. On December 12, 2022, MA DMF requested that NMFS extend the emergency MRA Wedge closure into 2023 and 2024, or until new long-term measures could be implemented. On January 4, 2023, following the signing of the Consolidated Appropriations Act, 2023 (CAA),<sup>2</sup> MA DMF reiterated its concerns about the unprotected waters of the MRA Wedge and indicated full support for an annual closure of the area from February through May, or as long

as the adjacent areas (*i.e.*, Federal or State waters) remain closed.

On January 31, 2023, NMFS announced an extension of the 2022 emergency rule closing the MRA Wedge to trap/pot fishing with buoy lines from February 1 to April 30 while adjacent Federal waters within the MRA were similarly restricted (88 FR 7362, February 3, 2023; NMFS 2023; see figure 1). On August 22, 2023, MA DMF again reiterated strong support for a permanent annual closure of the MRA Wedge from February through April due to “a level of entanglement risk that is troubling and begs for a permanent management solution.” MA DMF stated in a letter to NMFS that the “gap in the closure . . . created a refuge for fishers to place their gear, leading to extraordinarily high gear densities in the Wedge Area. DMF believes most gear in this area is infrequently hauled and largely being stored in this location . . . .” DMF also provided empirical gear and whale sightings data from 2021 through 2023 that demonstrated the high co-occurrence of gear and right whales.

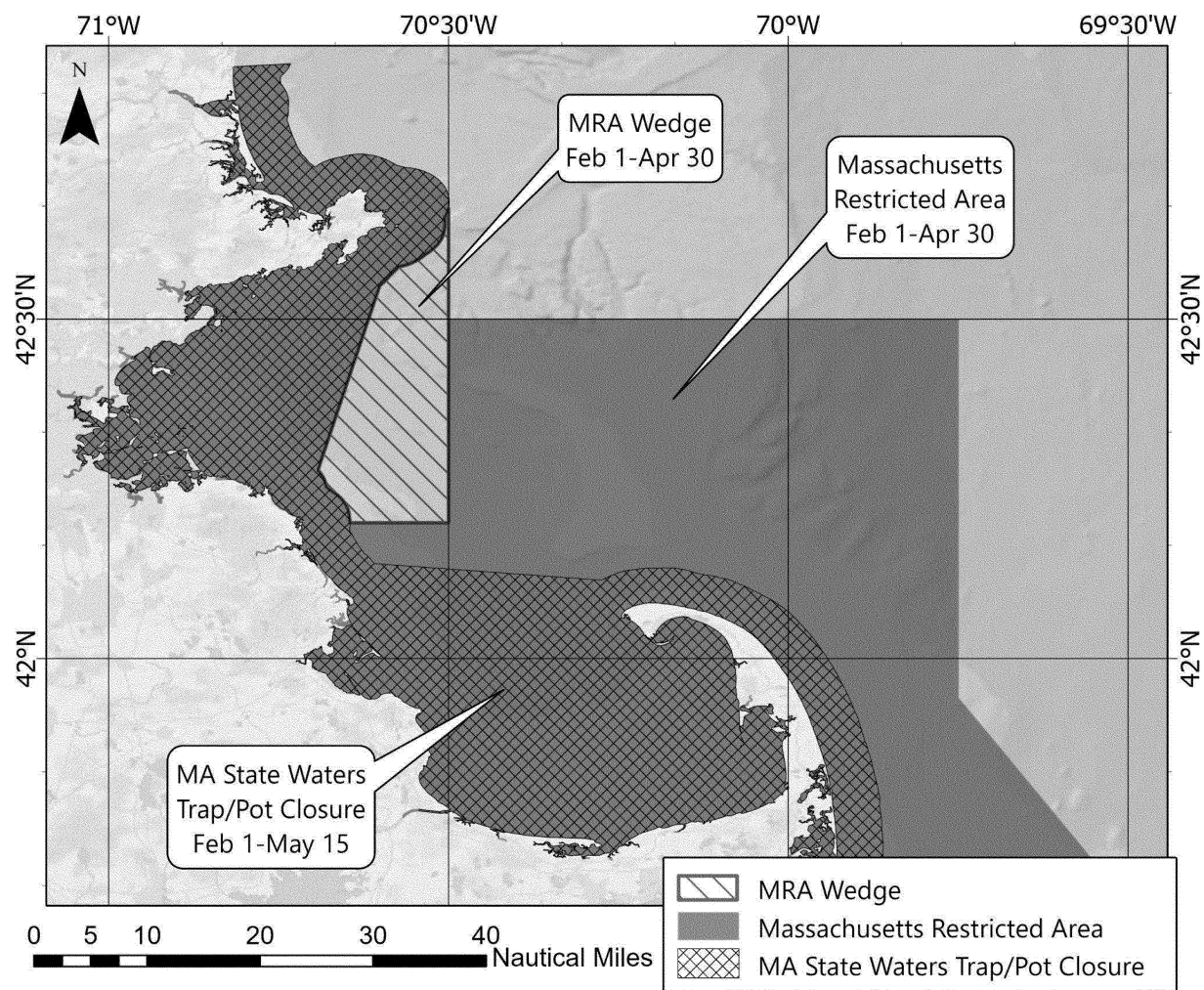
North Atlantic right whales are known to aggregate in Cape Cod Bay in winter and spring to forage on copepods (Watkins and Schevill 1976, Mayo and Marx 1990, Mayo *et al.* 2018). The whales begin arriving in Cape Cod Bay and surrounding waters as early as December and typically leave the area during the month of May (Jacquet *et al.* 2007, Hlista *et al.* 2009, Pendleton *et al.* 2009, Plourde *et al.* 2019, Ganley *et al.* 2019). Abundance of right whales in Cape Cod Bay during winter and spring has increased over time, despite a declining population size, making protection of Cape Cod Bay and surrounding waters during their presence particularly important for population recovery (Ganley *et al.* 2019, Hudak *et al.* 2023). Ganley *et al.* (2019) found that sightings data do not accurately reflect peak whale presence due to diving behavior that reduces time

on the surface. Higher abundances occur in January through March than are detectable through simple whale counts or sightings per unit effort, and the time of peak abundance varies annually, sometimes occurring in March or April (Pendleton *et al.* 2022). Furthermore, right whale use of Cape Cod Bay has increased in recent years as spring temperatures warm up earlier in the year, suggesting that the time of peak abundance may continue to occur earlier in the year in the future due to climate change (Ganley *et al.* 2022).

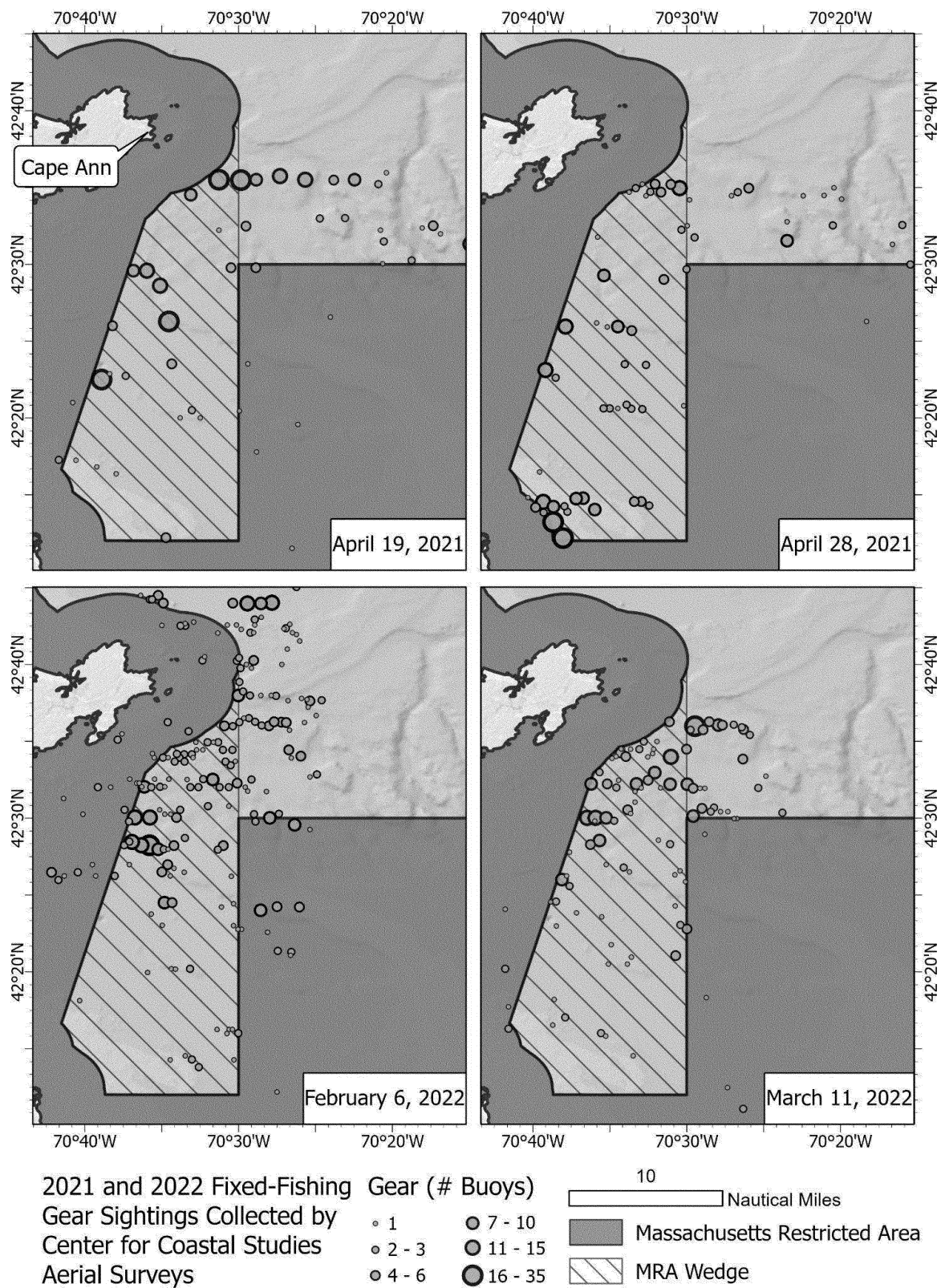
Detections of right whales in the MRA and surrounding waters from February through April demonstrate that whales continue to occupy and travel through the MRA Wedge to feed in waters in and around Massachusetts Bay (figure 3; also see figures 14–19 in the associated EA for this action). Though many right whales aggregate within Cape Cod Bay, they are highly mobile and are also detected visually or acoustically in and around Massachusetts Bay and the MRA Wedge, with a notable increase from February through April (Johnson *et al.* 2021). Dedicated survey data on right whale presence in February and March in Massachusetts Bay and the MRA Wedge likely underestimate the actual presence of right whales, given lower survey effort in the area north of Cape Cod Bay and variation in whale detection during these months (Ganley *et al.* 2019). As the right whale’s food source declines in April within Cape Cod Bay (Hlista *et al.* 2009; Ganley *et al.* 2019, Ganley *et al.* 2022, Hudak *et al.* 2023), right whale distribution accordingly shifts and the presence of right whales in the MRA Wedge increases as they leave Cape Cod Bay, contributing to a peak of sightings in Massachusetts Bay in April. It is critical that the MRA includes the MRA Wedge within the boundaries of the existing closure under the Plan to reduce mortalities and serious injuries from entanglements in buoy lines (figure 4).

**BILLING CODE 3510–22–P**

<sup>2</sup> The CAA at § 101(a) declares that “for the period beginning on the date of enactment of this Act and ending on December 31, 2028, the Final Rule amending the regulations implementing the Atlantic Large Whale Take Reduction Plan (86 FR 51970) shall be deemed sufficient to ensure that the continued Federal and State authorizations of the American lobster and Jonah crab fisheries are in full compliance with the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*) and the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).” H.R. 2617–1631—H.R. 2617–1632, Division JJ—North Atlantic Right Whales, Title I—North Atlantic Right Whales and Regulations. However, CAA § 101(b) provides that the “provisions of subsection (a) shall not apply to an existing emergency rule, or any action taken to extend or make final an emergency rule that is in place on the date of enactment of this Act, affecting lobster and Jonah crab.” This rule falls under that exemption for the reasons explained in the Classification section.

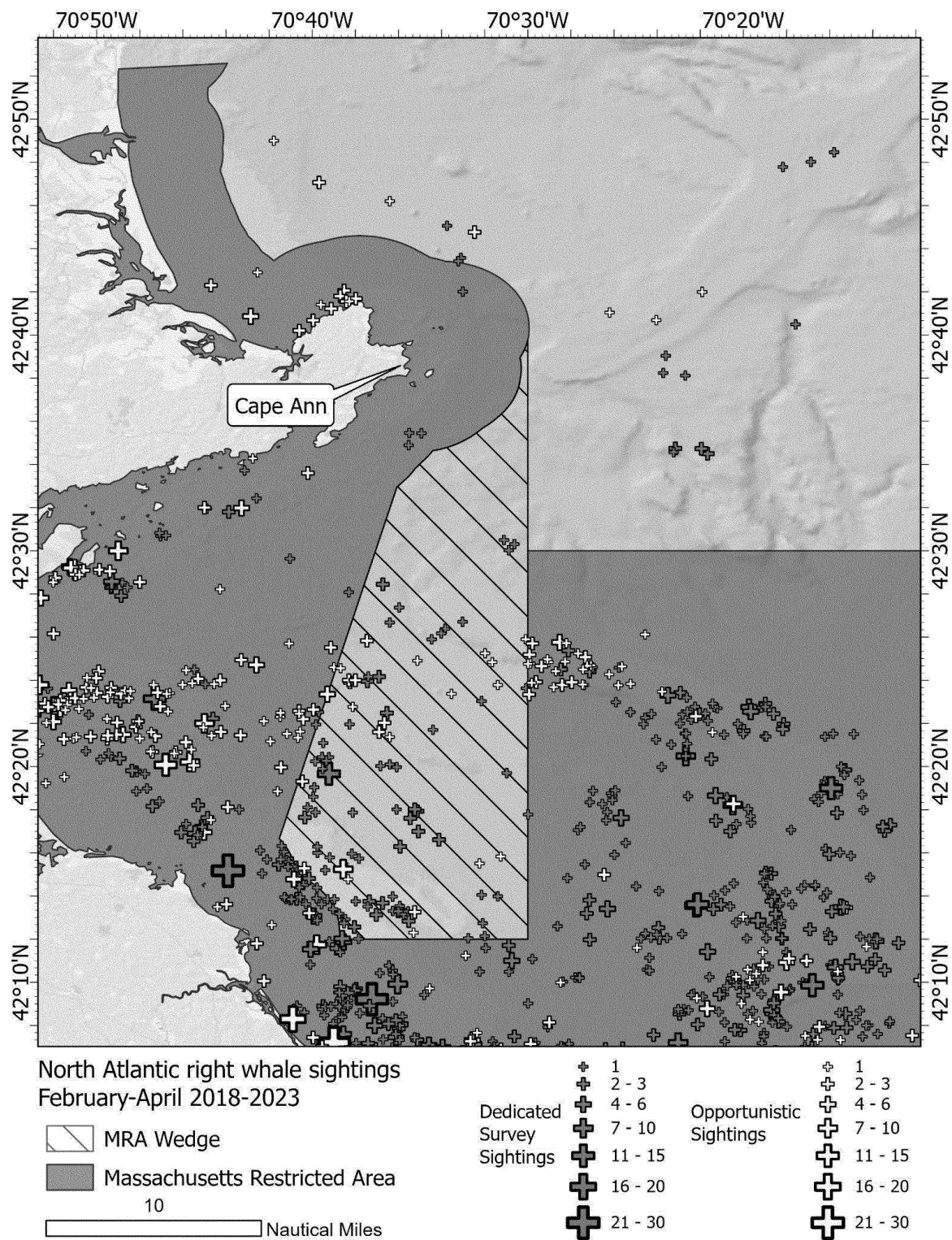


**Figure 1 – Massachusetts Restricted Area, MRA Wedge, and MA State Waters Trap/Pot Closure Areas**

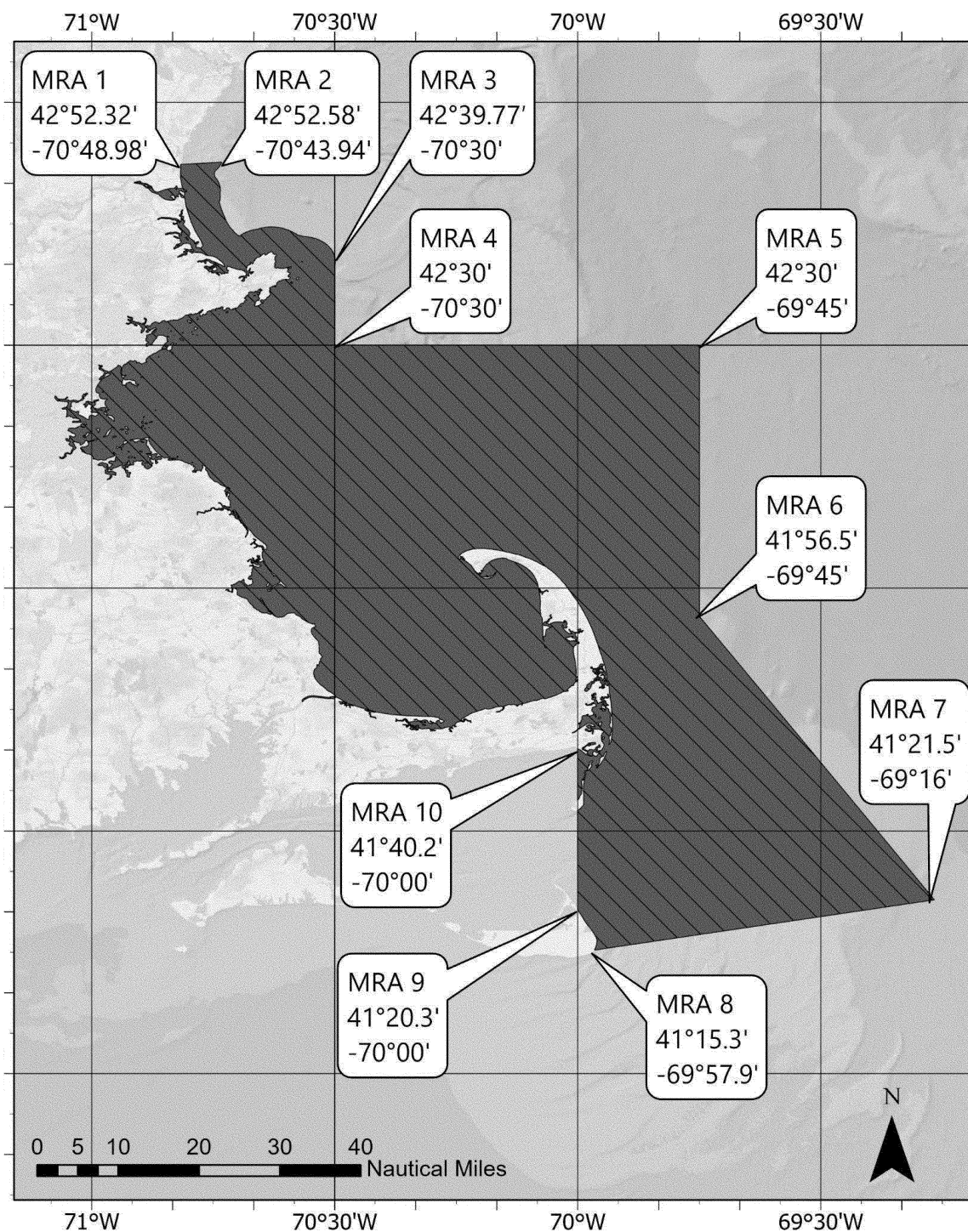


**Figure 2 -- Fixed-Fishing Gear Observed by CCS Within Portions of the Massachusetts Restricted Area, MRA Wedge, and Other Adjacent Waters**





**Figure 3 -- North Atlantic Right Whale Sightings Spanning February-April 2018-2023 in Portions of the Massachusetts Restricted Area, MRA Wedge, and Other Adjacent Waters**



**Figure 4 -- Coordinates for the Boundaries of the Massachusetts Restricted Area**

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#### Changes to the Atlantic Large Whale Take Reduction Plan

This final rule expands the boundaries of the MRA, where the use of persistent trap/pot buoy lines are seasonally prohibited, to include the MRA Wedge (figure 4). This final rule closes this area during the existing MRA

closure season under the Plan from February 1 through April 30 (86 FR 51970, September 17, 2021) to reduce acute entanglement risk. As shown above in figures 2 and 3, empirical observations of right whales alongside fixed fishing gear observed in the MRA Wedge from February through April in the years 2018–2023, and the high density of right whales in nearby

adjacent waters, demonstrate the urgent need for the closure.

To estimate the reduction of entanglement-related mortality and serious injury risk with the implementation of this final rule, we used the Large Whale Decision Support Tool (DST) version 4.1.0 created by NMFS' Northeast Fisheries Science Center to quantitatively evaluate

potential risk outcomes for relevant management actions. The DST incorporates a right whale habitat-based density model built by researchers at Duke University's Marine Geospatial Ecology Laboratory in the Nicholas School of the Environment (Version 12, released February 14, 2022; Roberts *et al.* 2016a, Roberts *et al.* 2016b, Roberts *et al.* 2020, Roberts *et al.* 2021, Roberts and Halpin 2022; referred to as the Duke University whale density model). The Duke University whale density model estimates the spatiotemporal distribution and density of right whales throughout the U.S. Atlantic based on observations of whales from standardized surveys from January 2010 through September 2020 and co-located oceanographic and habitat variables. As described below, the DST utilizes fishing gear data from 2010–2020. Efforts are underway to add additional years of data. The DST estimates that the MRA Wedge closure produces an approximately 1.8 to 2.3 percent reduction of risk of mortality or serious injury due to entanglement relative to all Northeast trap/pot fisheries. This is equivalent to a total risk reduction of approximately 13 to 16.5 percent for the trap/pot fisheries in Lobster Management Area 1 (LMA 1) Massachusetts waters, where the threat of entanglement is particularly high for right whales.

The best available scientific information demonstrates the need for this action. It also shows that the MRA Wedge closure will likely provide more protection for right whales than the DST estimates because the co-occurrence of right whales and buoy lines is likely higher than the DST estimates. First, the DST utilizes buoy line estimates from 2015–2018 (lobster and Jonah crab in State and Federal waters), 2010–2020 (other Federal trap/pot fisheries), and 2012–2019 (other trap/pot fisheries in State waters). The gap in right whale protections between State and Federal closed waters following the 2021 rule (86 FR 51970, September 17, 2021) likely pushed more gear into the MRA Wedge than the DST estimates, as fishermen moved gear from adjacent closed waters into open waters of the MRA Wedge.<sup>3</sup> Visual observations of buoy lines in the MRA Wedge during 2021 and 2022, (see *e.g.*, figure 2) and correspondence with Massachusetts DMF (see *e.g.*, the letters from MA DMF, discussed above), further support this

conclusion in addition to the DST analysis.

Second, the Duke University whale density model estimates that approximately 0.04 right whales are likely present at any given time in the MRA Wedge throughout the month in February; approximately 1.4 in March; and approximately 3.3 in April (see Table 8 in the associated EA). However, recent right whale sightings data, not yet incorporated into the model, demonstrate a higher concentration of right whales than the Duke University whale density model. For example, on February 23, 2021, the NEFSC aerial survey team observed seven right whales inside the MRA Wedge. On April 8, 2021, a dedicated NEFSC aerial survey team observed 40 right whales in groups of up to 3 within the MRA Wedge. Later the same month, on April 28, 2021, the Center for Coastal Studies aerial survey team observed 19 right whales in the MRA Wedge. On March 7, 2022, NEFSC reported sighting three groups of three right whales (nine whales total) in the middle portion of the MRA Wedge around 42°20' North latitude. On April 14, 2023, five right whales (a group of four and one individual) were sighted in the southernmost portion of the MRA Wedge. Opportunistic sightings were also reported. On March 14, 2020, two groups of two and three right whales (five whales total) were reported in the middle portion of the MRA Wedge around 42°20' North latitude. On April 25, 2022, an opportunistic sighting of a group of seven right whales was reported in the southern portion of the MRA Wedge, off of North Scituate.

Additional data support the conclusion that there is a high concentration of right whales in the MRA Wedge. Figure 3 shows a high density of right whale sightings around the MRA Wedge; these whales likely enter or transit through the MRA Wedge. Acoustic detections of vocalizing right whales also confirm their presence in and around the MRA Wedge (see figures 15, 17, and 19 in the associated EA). Finally, right whale presence often goes undetected, and detectability can depend on whale behavioral states (transiting, feeding, socializing; Hain *et al.* 1999, Pendleton *et al.* 2009, Clark *et al.* 2010, Ganley *et al.* 2019, Ceballos *et al.* 2022). In summary, there is an acute entanglement risk that occurs annually because of the co-occurrence of buoy lines and right whales in the MRA Wedge if the area remains open to trap/pot fishing in February through April.

The economic impact on the lobster and Jonah crab trap/pot fishery of

adding the MRA Wedge to the MRA is estimated to be relatively small compared to the total value of the fishery. All impacted vessels remain authorized to fish trap/pot gear in the open waters of LMA 1, and elsewhere as permitted. We estimate that the MRA Wedge closure will impact between 26–31 vessels each month and that the annual costs, including gear transportation costs and lost revenue, range from \$339,000 to \$608,000, or \$1.7 million to \$3 million across 5 years. For this analysis, we evaluated two scenarios. We analyzed a reasonable scenario where half of the vessels would relocate their traps, and the other half would stop fishing.<sup>4</sup> For vessels that stop fishing, the cost differences include lost revenue, gear relocation costs, and saved operating costs from not fishing. The lower and higher range of cost estimates come from the range of lost revenue of the relocated vessels, and a range of gear relocation costs for all vessels. We calculated the number of vessels impacted using the average number of vessels fishing within the MRA Wedge for the months February, March, and April for each year from 2017 to 2021, according to Vessel Trip Report (VTR) data and adjusted based on the average percentage of LMA 1 lobster-only vessels required to provide VTR data in Massachusetts (41 percent). We also averaged landing values for the time period using landing pounds from VTR data and lobster prices in Massachusetts provided in dealer reports. For more details on the economic analyses, please see (1) the Classification section below; and (2) subsection 6.2 in the associated EA and RIR/FRFA for this final rule.

<sup>4</sup> The best available data of trap/pot restricted areas show that removal of gear is more likely for nearshore areas, such as the MRA Wedge, where fishermen can have long transit distances to open areas, and because fishermen are also restricted in State waters. However, fishermen who fish in the MRA Wedge must have Federal permits, and so they would be able to move their fishing gear to open Federal waters in LMA 1 or elsewhere, as permitted. Discussions with Massachusetts fishermen in 2022 indicated that relocating gear outside the closure area is especially attractive in times of high lobster prices such as 2021 and the spring of 2022 (Mike Lane comments to the Team in January 2022, Robert Martin, pers. comm. 2022). Relocating gear is more likely for fishermen fishing out of the northern ports (*e.g.*, ports in Essex county), closer to open Federal waters. Fishermen fishing out of the more southern ports (*e.g.*, ports in Plymouth county) are more likely to remove their gear from the water. Based on Vessel Trip Report (VTR) data, transit distances to open waters, and the economics of the fishery, we determined that a 50/50 split between gear removal from the water and trap relocation served as a reasonable basis for our analysis. See RIR at section 5.4.4 for more details.

<sup>3</sup> NMFS also recognizes the reductions in buoy lines caused by the MRA Wedge emergency closures in April 2022 and February through April 2023.

## Comments and Responses

On September 18, 2023, we published the proposed rule to amend the Plan to expand the boundaries of the MRA to include the wedge between State and Federal waters known as the MRA Wedge, along with the draft EA. A 30-day public comment period began on September 18, 2023, and ended on October 18, 2023 (88 FR 63917, September 18, 2023). We reviewed and considered all written and oral public submissions received during the comment period. Comments on the proposed rule and draft EA were accepted as electronic submissions via *regulations.gov* on docket number NOAA–NMFS–2023–0083. We also accepted public comments at two in-person public hearings on September 26, 2023, in Gloucester, MA, and on September 28, 2023, in Buzzards Bay, MA.

A total of 26 individuals or groups submitted written comments through the *regulations.gov* comment portal, and 9 speakers submitted comments orally at the public hearings. One speaker submitted the same comment three times, at both public hearings, as well as through written comment. Two speakers submitted the same comments twice, at a public hearing and through a written comment. In total, we received comments from 31 unique commenters (individuals or groups). Of these 31 commenters, 7 were fishermen, 3 were fishing industry associations (2 commenters were members of the same organization, but their comments were different), 6 were other non-governmental organizations, 11 were other members of the public, 2 were State fishery resource managers, and 2 were Federal resource managers. Of the 31 commenters, 13 supported Alternative 1 (No Action), 9 supported Alternative 2 (Preferred), 8 supported Alternative 3, and 1 commenter did not express support for any alternative. Overall, 17 commenters supported taking action, while 13 did not.

We received several comments that were outside the scope of the current rulemaking, primarily related to offshore wind energy development and vessel strikes. NMFS recognizes that recovery of right whales depends on reducing multiple threats to the species across its range, in and beyond U.S. waters. Recovery priorities, efforts, and associated milestones, termed the North Atlantic Right Whale Road to Recovery, are detailed on the NMFS website (see <https://www.fisheries.noaa.gov/species/north-atlantic-right-whale/road-recovery>).

NMFS undertook this final rule, as analyzed in the Final EA, through MMPA authority specific to incidental take in U.S. commercial fisheries. 16 U.S.C. 1387. Although right whales face threats in addition to commercial fishing, the Plan and the take reduction process focus on monitoring and managing incidental mortality and serious injury of marine mammals in U.S. commercial fisheries. Because comments related to offshore wind development and vessel strikes were outside the scope of this rulemaking, we forwarded these comments to the appropriate staff at NMFS but do not provide individual responses in this document. Below are responses to comments regarding the proposed rule.

*Comment 1:* Two fishermen stated that they had never seen right whales in this area while fishing; one noted that there is no whale sighting demarcation in the sightings figure (see figure 3 above) in his precise fishing location within the MRA Wedge. Both expressed skepticism about whether right whales use the MRA Wedge.

*Response:* As noted above and in the EA, visual detections confirm right whale presence in and around Massachusetts Bay and the MRA Wedge, with a substantial presence from February through April (Johnson *et al.* 2021, survey results from February–April 2018–2023 depicted in figure 3). Sighting locations are specific to when the whale was observed and are an empirical confirmation of presence at a point in time. It is also well-documented that the whales are highly mobile, within and between foraging and breeding areas (Mate *et al.* 1997, Slay and Kraus 1997, Baumgartner *et al.* 2017)). Accordingly, protective areas encompass waters between sighting locations. Acoustic detections of vocalizing right whales also confirm their presence in and around the MRA Wedge (see figures 15, 17, and 19 in the associated EA). Because there have been instances of acoustic detections of vocalizing whales that were undocumented by concurrent aerial surveillance (Murray *et al.* 2022), acoustic data collection is an important supplement to the visual sightings data.

*Comment 2:* One commenter stated that, although whales may use the area, fishermen have been fishing in this area long before the right whale population started to decline, and therefore any population decline was not related to fishing gear in this area.

*Response:* NMFS is required to meet the mandates of the MMPA. While co-occurrence of fishing gear and right whales in the MRA Wedge is not new, several changes in recent years have

contributed to the need for this closure. First, decline in the right whale population size has reduced the PBR level for the species. Between the 2018 and 2021 Stock Assessment Reports, PBR for North Atlantic right whales declined from 0.9 per year to 0.7 per year (Hayes *et al.* 2019; Hayes *et al.* 2022), and, in the most recently published stock assessment report, PBR stands at merely 0.7 whales per year (Hayes *et al.* 2023).

Second, increased right whale habitat use and fishing gear density in Massachusetts and Cape Cod Bays since 2015 has heightened the risk of right whale mortality and serious injury from entanglement in commercial fishing gear in this area. In the years since the 2015 implementation of the original MRA closure, right whale seasonal habitat use increased in State and Federal waters inside and immediately outside of Cape Cod Bay, particularly in Massachusetts Bay, including the MRA Wedge (Johnson *et al.* 2021). As explained above and as identified by MA DMF, the 2021 closure of adjacent State waters likely increased the density of gear in the MRA Wedge during the MRA closure period. Observational sightings of whales and gear during surveys conducted from 2018 through 2023 provide empirical evidence of the high risk of overlap between right whales and buoy lines in this area (see figures 2 and 3 above). Recent circumstances and events have increased the risk of lethal entanglement in the MRA Wedge and have exacerbated the adverse population level consequences of any such an entanglement.

*Comment 3:* Several commenters suggested that the risk to right whales in the MRA Wedge may be underestimated by the DST.

*Response:* The DST may underestimate risk in the MRA Wedge during February through April. The most current whale habitat density model provided by Duke University (Version 12, released February 14, 2022; Roberts *et al.* 2016a, Roberts *et al.* 2016b, Roberts *et al.* 2020, Roberts *et al.* 2021, Roberts and Halpin 2022), has not yet incorporated certain empirical data such as dedicated survey sightings from October 2020 to present, nor does it include empirical acoustic and opportunistic right whale detections. These empirical data provide support for the right whale distribution indicated by the Duke University whale density model.

Using the current Duke University whale density model, the DST estimates that risk reduction associated with a MRA Wedge closure is substantial.



Recent changes to ocean circulation patterns are causing changes to prey distribution (Record 2019a, Record 2019b), and empirical observations, both visual and acoustic, demonstrate that the waters off Massachusetts are increasingly used seasonally by more right whales. Recent monitoring has also confirmed an increase in seasonal whale presence in Federal waters near Cape Cod Bay, including in the MRA Wedge. The DST provides a reasonable comparison of the relative risk reduction among action and non-action alternatives and a reasonable estimate of the overall risk reduction for each alternative. NMFS considered the empirical evidence showing greater seasonal right whale presence in the MRA Wedge than predicted by the Duke University whale density model. NMFS also considered that buoy-line density would likely be higher in the MRA Wedge than DST estimates. Recent empirical data of right whales and buoy-lines provide the first line of evidence justifying this rulemaking; the DST estimates, which incorporate the Duke University whale density model, provide a strong secondary and supporting line of evidence. Both lines of evidence are the best scientific information available.

*Comment 4:* One commenter suggested that NMFS was relying on outdated data by using the DST to support adding the MRA Wedge to the MRA, stating that NMFS's final rulemaking should explain why whale distribution data for the past 3 years (2020–2023) were not included in its analysis, and suggesting that NMFS is not using the best scientific data available.

*Response:* We used the most recent whale distribution data from a variety of sources, including dedicated surveys, acoustic detections, opportunistic sightings, and the Duke University whale habitat model. Although the DST does not utilize whale distribution data after September 2020, NMFS considered whale distribution data from 2010–2023. As noted in the response to Comment 3 and elsewhere, the rule utilizes the best available scientific information, including recent right whale distribution data from 2020–2023. For example, we considered empirical sightings up through the present, including acoustic and observational sightings data from 2018–2023. For a more detailed explanation of the data used as well as the application of the DST model and the data it contains, please see subsections 3.2 and 6.2 in the associated EA.

*Comment 5:* One commenter suggested that NMFS should evaluate

whether the 2021 rule and the 2022 and 2023 emergency rules have been effective in reducing risk outcomes for right whales over the past 2 years before implementing the MRA Wedge as an amendment to the Plan.

*Response:* As set forth in the Plan's Monitoring Strategy (NERO PRD 2012), we review the Plan's effectiveness and compliance with it annually, through a variety of reports, summaries, and Team meetings. We conduct biological analyses, including evaluating large whale population trends, entanglement events, mortality/serious injury, frequency of reported entanglement events, and data on large whale scarification; disentanglement and gear analyses, including evaluating large whale stranding response, disentanglement response, and collection and identification of recovered gear; and oceanographic and fisheries-based analyses, including evaluating effects of oceanographic trends and commercial fisheries regulation on large whale species. As part of our annual monitoring efforts, we also review fishing industry analyses, including observer data on commercial gear and fishing effort; conduct analysis of law enforcement activities, including collaborating/communicating with law enforcement partners, funding of joint enforcement agreements, and conducting targeted special operations patrols; and undertake analysis of education and outreach activities, including quantifying outreach efforts to the public, evaluating effectiveness of industry liaisons, and evaluating effectiveness of outreach to State and local law enforcement partners. These efforts are shared with the Team every year.

As noted in the Monitoring Strategy, evaluating the effectiveness of the Plan and its components presents several unique challenges, including limited data pertaining to large whale fishery interactions. Large whale entanglements are typically not observed or documented by fishery observers or other sources. Scarring reports indicate that right whales sometimes become entangled but then shed the gear without human intervention, thus, even when serious injuries and mortalities are observed with evidence of entanglement, there is no gear remaining. Furthermore, in most of the limited number of observed entanglement cases with gear still present, fishing gear cannot be removed, and when gear is removed, it can rarely be attributed to a particular gear type, component, fishery, or geographic region due to lack of distinctive marks

that would identify the source of the gear (see subsection 5.1.1 in the associated EA).

Nevertheless, the 2022 emergency closure and its extension in 2023 had their intended effect of separating whales from risk during the closure period. Substantial risk reduction is evident, given that vertical buoy lines were not present in the MRA Wedge in April 2022 and February through April 2023—months when large groups of right whales were observed in the area in recent years (including, among other sightings, single day observations of 40 right whales on April 28, 2021 and 9 whales on March 7, 2022). The present rulemaking is therefore necessary to address present and future risk in the MRA Wedge. NMFS reasonably anticipates that the MRA Wedge closure will immediately address entanglement risk from static vertical lines. Removing static vertical lines from the MRA Wedge at the time of year when there is documented high presence of right whales decreases the risk of right whale entanglement. NMFS will continue to consider and address new information as it comes to light.

*Comment 6:* During the two public hearings in September 2023, several fishermen raised concerns about landings being impacted by the potential crowding effects outside the MRA Wedge closure, especially in late April before Federal waters reopen.

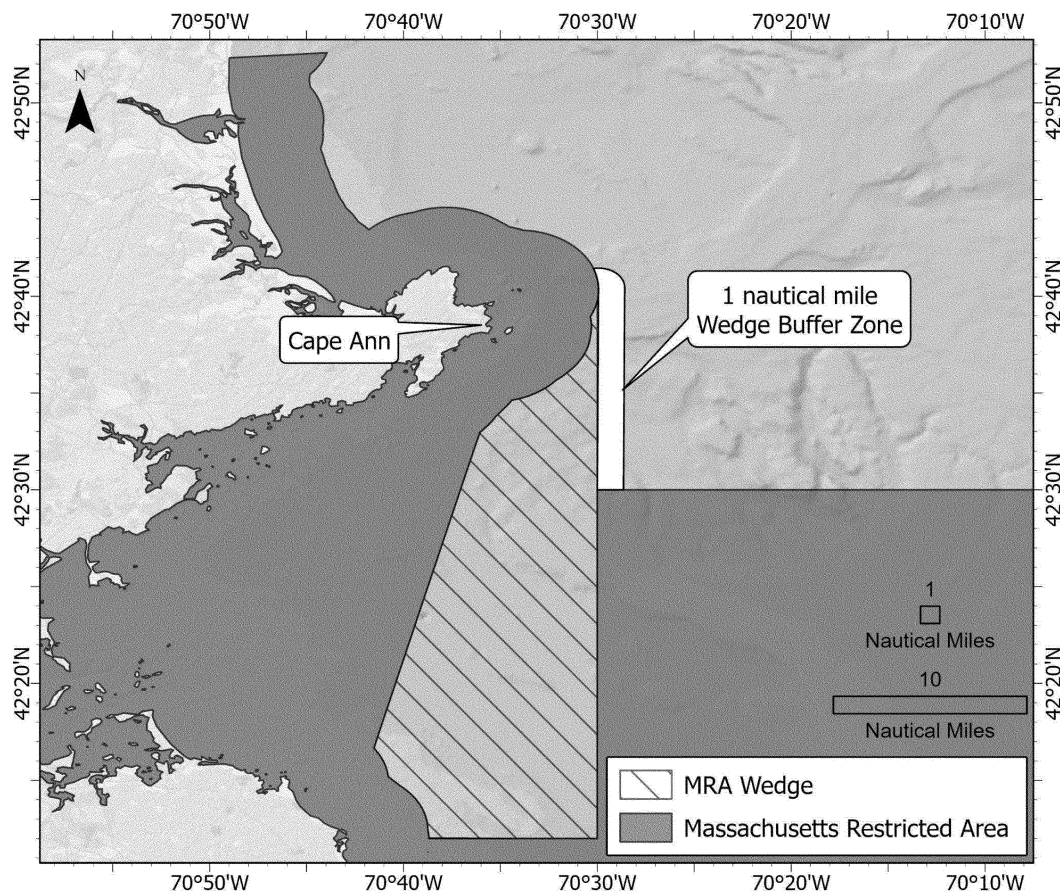
*Response:* It is unlikely that this closure will affect trap catches due to crowding during the months of February, March, and April, when fishing effort is relatively low, or as compared to summer and fall months when fishing effort is higher. We examined the VTR data from 2019 to 2023 and found decreased effort in April 2022 and increased effort in April 2023 outside the MRA Wedge within one nautical mile (nmi; 1.85 kilometers) to the east of the MRA Wedge closure, an area referred to as the Wedge Buffer Zone (see figure 5),<sup>5</sup> when compared to 2019 and 2021.<sup>6</sup> Throughout the years 2019 to 2023, the total reported number of active vessels in the Wedge Buffer Zone in April remained relatively low

<sup>5</sup> Because the minimum trawl length in LMA 1 in the area 3–6 nmi (5.6–11 km) offshore is 10–15 traps, which is approximately a trawl length of 1 nmi (1.9 km), if a fisherman is relocating traps just outside the MRA Wedge to have easy access to the area when it opens, the Wedge Buffer Zone is the most likely area (1 nmi [1.9 km] next to the MRA Wedge) for these traps to be placed.

<sup>6</sup> During 2020, the pandemic year, most vessels did not fish regularly in the spring. Therefore, we did not consider 2020 data to be representative or informative.

when compared to other months (see footnote 4).

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**Figure 5. One nautical mile Wedge Buffer Zone to the east of the MRA Wedge.**

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In April 2022, the MRA Wedge was closed for the first time under the emergency rule (87 FR 11590, March 2, 2022). VTR data showed only one vessel in the Wedge Buffer Zone, and the total number of traps fished increased slightly, relative to reported effort in March 2022, but decreased when compared to April 2019 and 2021. In 2023, the MRA Wedge was closed under the emergency rule (88 FR 7362, February 3, 2023) from February 1 to April 30, 2023. During the emergency closures, crowding was not evident. There were few vessels observed in the Wedge Buffer Zone in the VTR data (one vessel in February, two vessels in March and April 2023). The total number of trips and the total number of traps fished increased significantly, but those increased trips were from the same fisherman who had been fishing in the Wedge Buffer Zone before April 2023.

While VTR data represent a subset of effort, comparing VTR data shows some

interannual variability, but does not demonstrate enough displaced effort to cause substantial crowding and reduce catch values due to the closure. Effort that may have moved was still well below the effort that is sustained across LMA 1 Massachusetts waters during the times of year, such as late summer, when more fishermen are actively fishing. Given the low fishing effort in the Wedge Buffer Zone during the emergency closures, NMFS reasonably expects that the fishing effort in other nearby and adjacent waters will be similarly low during the permanent seasonal closure. Accordingly, we do not anticipate effects to landings from crowding outside the MRA Wedge closure.

*Comment 7:* The MRA Wedge will make it harder for fishermen to get fishing crew to help with harvesting without the option for year-round employment. Temporary or seasonal fishing crew are harder to find.

*Response:* We recognize that in the past few seasons, the fishing industry, like other employers, experienced labor shortages. Based on a research study by the Society of Human Resource Management (SHRM 2021), nearly 9 in 10 of the organizations surveyed said they were finding it difficult to fill certain open positions—especially those at entry level—and nearly 7 in 10 organizations believe that the expanded COVID-19 unemployment benefits contributed to this difficulty.

Crew on lobster boats are usually paid based on the harvest, so their income is unstable, especially during the winter/spring season when there are more severe weather days and lower catch rates. We understand from scoping meetings and public hearings that if lobster vessels are unable to secure year-round crew at the beginning of the year, they might have to offer higher pay to get crew when peak season starts. Lobster boats without extra crew would likely fish fewer traps and trawls, or

may make fewer hauls per trip; therefore, they might experience some catch reduction and lower revenue.

As the pandemic has eased, the labor market has gradually returned to normal. For example, according to the Bureau of Labor Statistics, the Massachusetts unemployment rate dropped from 17 percent in April 2020 to 3 percent in April 2023. With the labor market stabilizing, we do not anticipate that this rule will have a substantial impact on the availability of labor. NMFS will continue to consider new information that becomes available.

*Comment 8:* In many places where affected fishermen reside, there is very little opportunity to make income by other means, so the MRA Wedge closure will hurt fishermen economically.

*Response:* NMFS has considered the reliance of impacted communities on lobster fishing and alternative employment opportunities; please see section 6 of the associated EA and section 5 of the RIR for our detailed analyses. In summary, the Massachusetts counties that are home to the affected fishing ports have varying levels of reliance on lobster fishing. All offer other fishery and employment opportunities for any crew or vessel operators impacted by the expansion of the MRA closure area. We note that we considered but did not select a more expansive rulemaking (see Alternative 3 in the associated EA), because of, among other reasons, its potential adverse economic effects on fishermen. The present rule reasonably balances right whale protections with economic impacts.

*Comment 9:* One commenter requested as much notice as possible regarding permanent rulemaking on this matter to provide sufficient time for the fishing industry to prepare.

*Response:* We recognize the importance of providing sufficient time for the fishing industry to prepare for regulatory changes. Accordingly, NMFS is providing 30 days' notice before the final rule becomes effective, to allow regulated entities to come into compliance. This will provide the fishing industry with sufficient time to attain compliance by, for example, relocating trap/pot gear from the MRA Wedge to dry storage or to waters open to trap/pot fishing.

*Comment 10:* One commenter voiced support for implementation of Alternative 2 (this rule) for the years 2024 through 2028, with the understanding that NMFS would thereafter implement amendments to the Plan in accordance with the CAA.

*Response:* Subject to new data or circumstances, the MRA Wedge

addition to the MRA closure is a permanent rulemaking, effective March 8, 2024. NMFS will comply with the CAA to the full extent of the law.

*Comment 11:* Several commenters stated their position that this regulation is not allowed under the CAA. Specifically, one or more commenters said that the language of the CAA prohibits any additional rulemaking that affects the Northeast lobster/Jonah crab fishery through the end of 2028; that Congress did not grant NMFS the power to transform, or make final, the emergency rule closing the MRA Wedge into a permanent rule; and that the 2023 MRA Wedge Closure is not an extension of the 2022 MRA Wedge Closure, and therefore was not permissible under the CAA.

*Response:* These comments misunderstand the CAA. NMFS is promulgating this rule pursuant to MMPA section 118. And as explained in the regulation's Classification section, this rule falls under the CAA's § 101(b) exemption.

Section 101(a) of the CAA established that from December 29, 2022, through December 31, 2028, NMFS' 2021 rule "shall be deemed sufficient to ensure that the continued Federal and State authorizations of the American lobster and Jonah crab fisheries are in full compliance" with the MMPA and the ESA. H.R. 2617–1631—H.R. 2617–1632 (Division JJ—North Atlantic Right Whales, Title I—North Atlantic Right Whales and Regulations, § 101(a)). Section 101(a) of the CAA also requires NMFS to promulgate new lobster and Jonah crab regulations, consistent with the MMPA and ESA, that take effect by December 31, 2028. *Id.* at § 101(a)(2). In § 101(b) of the CAA, however, Congress explained that § 101(a) "shall not apply to an existing emergency rule, or any action taken to extend or make final an emergency rule that is in place on the date of enactment of this Act, affecting lobster and Jonah crab."

Under § 101(b), NMFS may use its existing rulemaking authority under the MMPA to close the MRA Wedge. Rather than "misstating" § 101(b), as one commenter argued, NMFS is adhering to the text of § 101(b) and its surrounding context because this regulation "make[s] final" the 2022 emergency rule. As described in the regulation's Background and Classification sections, the 2022 emergency rule is the only "emergency rule" that § 101(b) could refer to, and it was "in place on the date of enactment of the CAA," given the continuing emergency and NMFS' authority under the MMPA to extend that rule at the time of the CAA's enactment. NMFS does not believe, as

some commenters seem to suggest, that "in place" means "in effect." That reading would mean the § 101(b) exemption has no effect—it had no effect when the CAA was enacted, and it would never have any legal effect, since the commenters do not identify any other emergency rule that Congress could reasonably have been referencing in § 101(b) (and there is none for the reasons explained below). As explained in the Classification section below, NMFS declines to adopt a reading of the statute that would render § 101(b) meaningless surplusage.

For further explanation that is responsive to these comments, please see the regulation's Background and Classification sections.

*Comment 12:* Two commenters claimed that the proposed rule was illegal under *Maine Lobstermen's Association v. Raimondo*, 70 F.4th 582 (D.C. Circuit 2023) (*MLA*), stating that the Court determined that the underlying science supporting the 2021 rule, and by extension this regulation, was invalid based on the Agency's consideration of a "worst-case scenario" in the development of the 2021 Batched Fisheries Biological Opinion (2021 BiOp, NMFS 2021b).

*Response:* These comments misunderstand *MLA*. The *MLA* ruling addressed an ESA Section 7 formal consultation (2021 BiOp) conducted by NMFS regarding Federal authorization of the lobster fishery. By contrast, the 2021 rule underwent a separate and distinct ESA Section 7 informal consultation, and this regulation falls under the informal consultation for the 2021 rule. As explained below in the Classification section, this regulation is simply not "promulgated on the basis of the 2021 Biological Opinion," as one commenter suggests.

Moreover, the 2021 rule and this regulation are promulgated under the MMPA, not the ESA. The *MLA* court did not analyze the legal standards set forth in the MMPA. While the court vacated the 2021 BiOp, the panel explained, "we are not convinced the error claimed by the lobstermen is fatal to the [2021 rule]." *MLA* at 601. In any event, this regulation applies the best available scientific information including recent observational and acoustic detections of right whales; does not consider worst-case scenarios; and is supported by its own administrative record.

*Comment 13:* One commenter argued that NMFS was "on notice that a court of law has already said it is violating the law," relying on statements that D.C. District Court Chief Judge Boasberg made during a February 16, 2023 hearing on a motion for a Temporary

Restraining Order in *Massachusetts Lobstermen's Association, Inc. v. NMFS*, No. 1:23-cv-00293 (D.D.C.), which challenged the 2023 emergency rule extension (*i.e.*, 88 FR 7362). In particular, the commenter quoted the following statement: "I think that the plaintiffs may well have a better argument on the merits than the government. It's a close question and one that I probably need to think about more. But in the time that I have had, I think that Mr. Cragg has probably got a better reading of the way—a better interpretation of the exception."

*Response:* Far from "sa[ying] [NMFS] is violating" the CAA, the court made clear that it was not deciding the correct interpretation of the CAA at that hearing. Even the statement quoted by the commenter includes the caveat that "[i]t's a close question and one that [the judge] probably need[s] to think about more." The court ultimately denied Plaintiff's Motion for a Temporary Restraining Order on other grounds, and the case was dismissed without briefing or ruling on the merits. In any event, we carefully considered these statements and determined that the present rulemaking complies with all applicable laws.

*Comment 14:* One commenter asserted that the 2023 MRA Wedge closure was illegal and, therefore, this regulation is illegal.

*Response:* We dispute this characterization of the 2023 MRA Wedge closure. Independently, as described in the Classification section below, we determined that the present rulemaking complies with all applicable laws.

*Comment 15:* One commenter stated that this rulemaking is occurring outside of the traditional Take Reduction Team process.

*Response:* The commenter is incorrect; this rulemaking was conducted within the Take Reduction Team process. In January 2022, NMFS received letters and emails from MA DMF, Stellwagen Bank National Marine Sanctuary, and non-governmental organizations expressing concerns about the gap in restricted waters and the heightened risk of entanglement for right whales during the annual MRA closure period from February through April. We brought these letters, and the underlying information, to the Team's attention later that same month, in a January 2022 Team webinar. State, academic, and non-governmental organizations expressed support for including the MRA Wedge in a future Plan amendment, while Massachusetts fishing representatives expressed concerns about economic impacts

during a season when effort is generally low and price is sometimes high. The Team discussed the MRA Wedge closure as a future possible Plan amendment and determined it was worth considering for expedited rulemaking, due to its potential for significant risk reduction. In December 2022, a majority of Team members voted in favor of recommending several suites of measures that included expanding the MRA closure to include the MRA Wedge and waters farther north, including Jeffreys Ledge. NMFS considered the Team's December 2022 non-consensus recommendations, and, as the agency ultimately responsible for ensuring that the requirements of the MMPA are met, decided to move forward with promulgating this permanent rule and has explained its reasoning for the present rulemaking.

*Comment 16:* One commenter noted that Alternative 2 could incentivize lobstermen to stage their trap/pot gear just north of the MRA Wedge during the month of April while waiting for the MRA to reopen on May 1. The commenter suggested that NMFS revise the wet storage regulation to require gear to be hauled out of the water at least once every 14 days. The commenter proposed that staging gear just outside of the restricted areas should be closely monitored and addressed if necessary. Another commenter noted that wherever lines are drawn in the ocean, there will be gear piling up outside those lines.

*Response:* We recognize that some fishermen may wish to "stage" their gear outside the closures, particularly in April, ahead of the May 1 opening of the MRA. It is possible that a change in current regulations requiring gear to be hauled and reset every 14 days, rather than every 30 days, might encourage the removal of gear to reduce the need for offshore trips during winter months. However, such a change was not considered in the proposed rule or analyzed in the draft EA. Accordingly, it is not being considered for inclusion in this rulemaking. In addition, MA DMF explains that gear in the MRA Wedge is infrequently hauled and is largely used for wet storage, presumably due to the inconvenience of hauling gear on land and, in some cases, the lack of storage areas on land. (See Appendix 3.1 in the associated EA for Letters of Concern). To address this issue, we recommend that fishermen and industry organizations work with partners to locate areas where gear can be stored on land during the seasonal closure.

*Comment 17:* One commenter questioned whether commercial fishing is any more detrimental to whale

populations than commercial shipping, now that weak rope and weak link requirements have been implemented.

*Response:* Weak rope and weak links provide risk reduction benefits to right whales because they may allow adult right whales to break the lines during an entanglement, reducing the severity of entanglement events. However, further protective measures are needed because weak rope and weak links do not reduce the number of entanglements, nor do they protect right whale calves and young right whales that are not strong enough to break free of these lines before mortalities and serious injuries occur. To further reduce mortalities and serious injuries, we have determined that closures are necessary in areas where there is a high co-occurrence of right whales and vertical lines. Without a closure, entanglement risk is high in the MRA Wedge from February through April, when right whales are present in the area in high numbers.

As the commenter notes, vessel strike risk continues to be of concern. The best available scientific information demonstrates that reduction of both entanglements and vessel strikes is necessary for recovery of the North Atlantic right whale population throughout its range, including in the United States and Canada (Runge *et al.* 2023). Commercial shipping activities are outside of the scope of this rulemaking.

*Comment 18:* Several commenters noted that the continued threat posed by the overlap between dense accumulations of gear within the MRA Wedge or along the MRA Wedge borders (fencing) and right whale aggregations requires a permanent management solution rather than consecutive emergency actions.

*Response:* With respect to waters within the MRA Wedge, this regulation provides a permanent management solution. With respect to open waters just outside the MRA Wedge, we assessed the risk of gear accumulation, known as a fencing or "curtain effect," in which fishermen displaced by the MRA Wedge closure will instead choose to set their gear along the perimeter of the closure boundary, in an area referred to as the Wedge Buffer Zone (figure 5). As discussed in response to Comment 6, we did this by examining Federal VTR data from 2019 to 2023 to identify trends in fishing effort outside of the MRA Wedge following the 2022 and 2023 emergency closures. The data show that there was not displaced effort sufficient to cause a curtain effect in the Wedge Buffer Zone following the closed periods in 2022 and 2023 (see subsection 6.2.4 in the associated EA).

Nevertheless, not all gear stored in the Wedge Buffer Zone is captured by VTR data; more observational data are needed to evaluate the extent of wet storage in this area. Still, relative to the fishing effort that occurs during more active fishing months such as late summer, the amount of gear displaced is low and unlikely to create a substantial curtain. At this time, the risk of a curtain effect from the MRA Wedge closure is outweighed by the high entanglement risk within the MRA Wedge waters from February through April each year if it remains open during the MRA closure period.

**Comment 19:** Seven commenters expressed support for Alternative 3, citing: (1) the need for aggressive action to achieve the MMPA goals of reducing incidental mortality and serious injury to below the PBR level; (2) additional incentive for fishermen to remove non-actively fished gear from the water and store the gear on land, as opposed to wet storage in the ocean; (3) concern that Alternative 2 would likely lead to pot/trap gear movement north from the MRA Wedge to other areas where right, humpback, and fin whales historically have been sighted; and (4) the fact that coverage of the entirety of the Stellwagen Bank National Marine Sanctuary would provide consistency with the aims of the Stellwagen Bank National Marine Sanctuary Final Management Plan.

**Response:** As the commenters noted, Alternative 3 would have greater risk reduction benefits for right whales, and potentially also for fin and humpback whales, as gear removal reduces risk of entanglements. However, Alternative 2 provides a reasonable balance between risk reduction and economic impacts as it will substantially reduce the risk of right whale entanglement during a critical time period, while displacing few fishermen overall and allowing fishermen to continue fishing during that time in areas with less risk. This rulemaking does not specifically target fin and humpback whales. Nevertheless, NMFS concluded that this regulation may benefit fin and humpback whales after considering their known distributions and likely effects on gear movement (see subsection 6.2 in the associated EA and subsection 5.4 of the associated RIR/FRFA). NMFS does not anticipate that this regulation will meaningfully increase entanglement risk to right, humpback, and fin whales in areas outside the MRA and MRA Wedge.

With respect to the Stellwagen Bank National Marine Sanctuary, NMFS refers the commenter to the U.S. Congress's mandate in CAA § 101.

**Comment 20:** One commenter supported Alternative 3, noting that the difference in economic impacts is relatively small (*i.e.*, the compliance cost for Alternative 2 is \$400 per vessel, compared with \$2,000 per vessel for Alternative 3). However, the risk reduction is higher for Alternative 3 than Alternative 2.

**Response:** The difference in per-vessel compliance costs between Alternative 2 and Alternative 3 is material. And although the overall risk reduction for Alternative 3 is higher than for Alternative 2, the cost for each percentage of risk reduction is higher for Alternative 3 (approximately \$30,000–\$48,000 per percentage point of risk reduction) than for Alternative 2 (approximately \$22,000–\$40,000 per percentage point of risk reduction). In other words, Alternative 3 costs more for each percentage of benefit for right whales. While information is not available to conduct a full benefit-cost analysis (see subsection 5.4 of the associated RIR), the cost for each percent of risk reduction provides a useful comparison.

**Comment 21:** A few commenters suggested that we expand the MRA Wedge to apply to all fixed-gear fisheries.

**Response:** This rulemaking is limited to trap/pot fishing, the fishery operations that deploy approximately 93 percent of all the buoy lines in U.S. waters (NMFS 2021a) and represent the vast majority of entanglement risk to right whales in the MRA Wedge. Other fixed-gear fisheries were not considered for restrictions in the proposed rule so their inclusion in this final rule is not proper. NMFS is currently working to address the risks posed by other fixed-gear fisheries by considering potential new regulations for non-lobster and Jonah crab fisheries, based on the Team's December 2022 recommendations. Those considerations are ongoing.

### Changes From the Proposed Rule

There are no changes to the final rule.

### Classification

The NMFS Assistant Administrator has determined that the final rule is consistent with the Plan, with the rulemaking authority under MMPA section 118(f), and with other applicable laws including the Administrative Procedure Act and the CAA, 2023 (H.R. 2617–1631—H.R. 2617–1632, Division JJ—North Atlantic Right Whales, Title I—North Atlantic Right Whales and Regulations).

### Consolidated Appropriations Act

On December 29, 2022, President Biden signed H.R. 2617, the CAA, into law. Section 101(a) of the CAA establishes that from December 29, 2022, through December 31, 2028, NMFS' September 17, 2021 rule amending the Plan, Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations, published at 86 FR 51970 (September 17, 2021), "shall be deemed sufficient to ensure that the continued Federal and State authorizations of the American lobster and Jonah crab fisheries are in full compliance" with the MMPA and the ESA. H.R. 2617–1631—H.R. 2617–1632 (Division JJ—North Atlantic Right Whales, Title I—North Atlantic Right Whales and Regulations, § 101(a)). The CAA requires NMFS to promulgate new lobster and Jonah crab regulations, consistent with the MMPA and ESA, that take effect by December 31, 2028. *Id.* at § 101(a)(2). Notwithstanding these directions, § 101(b) of the CAA provides that § 101(a) shall not apply to "any action taken to extend or make final an emergency rule that is in place on the date of enactment of this Act, affecting lobster and Jonah crab."

This final rule complies with CAA § 101(b). The "emergency rule" in § 101(b)'s express exception must refer to the 2022 MRA Wedge rule, 87 FR 11590 (March 2, 2022), because there is no other "emergency rule" to which Congress could have been referring. Moreover, the 2022 emergency rule was "in place" within the meaning of that phrase under § 101(b) at the time of the CAA's enactment on December 29, 2022, thereby satisfying the conditions for the § 101(b) exception.

There is no other "emergency rule" that § 101(b)'s exception could cover because the 2022 emergency rule is the only emergency rulemaking implemented in the past decade under the MMPA, ESA, or any other relevant statutes affecting the lobster and Jonah crab fisheries. Congress would not reasonably have expected NMFS to issue another emergency rule when it was enacting the CAA, or in the short time between when Congress passed and the President signed the CAA, which would have been insufficient time for emergency rulemaking. That is particularly the case because § 101(b) contemplates that NMFS may "extend" or "make final" an emergency rule that is in place at the time of the CAA's enactment, which indicates that Congress was referring to an emergency

rule that it had notice of, rather than the possibility of a new hypothetical rule.

The 2022 emergency rule was also “in place on the date of enactment of” the CAA within the meaning of that phrase in § 101(b). Although the 2022 emergency rule’s seasonal closure was effective from April 1, 2022, through April 30, 2022, the state of emergency necessitating the rule continued, and NMFS was authorized under MMPA § 118(g) to extend that rule at the time of the CAA’s enactment. The 2022 emergency rule closed the MRA Wedge for 30 days under MMPA § 118(g)(3). After that 30-day closure, NMFS retained authority to extend the 2022 emergency rule for 90 additional days under MMPA § 118(g)(4), which allows an extension of an emergency rule where “incidental mortality and serious injury of marine mammals in a commercial fishery is continuing to have an immediate and significant adverse impact on a stock or species.” That was the case at the time of the CAA’s enactment because, after the 2022 emergency rule was no longer in effect, right whales continued to occupy and travel through the MRA Wedge annually during February through April, while trap/pot fishermen also continued to fish and stage gear there at great risk of causing incidental mortality or serious injury by entanglement. The MMPA does not require that emergency rule extensions are coterminous in time with the original emergency rule.<sup>7</sup> Accordingly, because NMFS was authorized to extend the rule under MMPA § 118(g)(4), the 2022 emergency rule was “in place” within the meaning of the CAA at the time of its enactment, even though the seasonal closure required by that rule was no longer in effect. If Congress intended to limit CAA § 101(b) to an emergency rule that was “in effect” on the date of the CAA’s enactment, Congress could have used that language.

Any other reading of the statute would deprive the § 101(b) exception of

any legal effect. Commenters objecting to NMFS’s reading of the CAA did not identify any other emergency rule to which § 101(b) could reasonably refer, and as explained above, there is no other emergency rule that could be subject to § 101(b). NMFS declines to adopt a reading of the statute that would render § 101(b)—one of only two subsections in § 101 of the CAA—meaningless.

Based on the foregoing reading of the CAA, NMFS “extend[ed]” the 2022 emergency rule, CAA § 101(b), the following year by closing the MRA Wedge from February 1, 2023 through April 30, 2023 to match the broader closure of Federal waters in the MRA. This rule seeks to “make final,” CAA § 101(b), the 2022 emergency rule by incorporating the MRA Wedge into the larger MRA boundaries. The final rule is based on the scientific evidence demonstrating the annual recurrence of high entanglement risk in the MRA Wedge—i.e., direct observations of right whales and extensive fishing gear occupying the MRA Wedge annually from February through April—and the supporting DST analysis. The final rule would therefore “make final” the MRA Wedge closure under the Plan, in accordance with the MMPA and CAA.

#### *National Environmental Policy Act*

NMFS prepared a Final EA for this rule that discusses the potential impacts on the environment of changes to the Plan. In addition to the status quo (Alternative 1), two alternatives are analyzed: Alternative 2 (preferred and the basis of this rule) and Alternative 3. Alternative 1 (No Action) would maintain the status quo as implemented in 2021. Alternative 2 (Preferred Alternative) would add the MRA Wedge, approximately 200 square miles (518 square kilometers) of Federal waters adjacent to the existing MRA, to the MRA during the current closure period of February 1 through April 30. (We note that, in 2024, the MRA Wedge closure will occur after February 1, due to the 30-day delay in effectiveness after publication, to provide adequate notice.) Alternative 3 would add approximately 1,297 square miles (3,359 square kilometers) to the MRA and extend the northern MRA boundaries up to the New Hampshire border during the same time period.

Alternative 2 is estimated to reduce risk of mortality or serious injury from entanglement in trap/pot gear in the Northeast by approximately 1.8 to 2.3 percent. Alternative 3 is estimated to reduce risk by 3.1 to 5.3 percent. The difference in impact between the two alternatives is even greater when

considering local risk in the area in LMA 1 Massachusetts waters, an area with particularly high entanglement risk during the MRA closure months (13 to 16.5 percent risk reduction under Alternative 2, compared to 22.6 to 38.3 percent under Alternative 3). Overall, the economic impacts of Alternative 2 result in an estimated total annual cost (including lost revenue) of \$339,000 to \$608,000, with approximately 26 to 31 affected vessels, or \$1.7 million to \$3 million over 5 years. Alternative 3 is estimated to impact 53 to 66 vessels for an estimated annual cost (including lost revenue) of \$898,000 to \$1,453,000 and an estimated total 5-year cost of \$4.5 million to \$7.3 million. The social and economic impacts on the human community would decrease year by year as fishermen adapt to the restricted area. A copy of the EA is available in the docket or from NMFS (see **ADDRESSES**).

#### *Executive Order 12866—Regulatory Planning and Review*

This final rule has been determined to be not significant for the purposes of Executive Order 12866. NMFS has prepared a regulatory impact review.

#### *Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, requires agencies to assess the economic impacts of their regulations on small entities. The objective of the RFA is to consider the impacts of a rulemaking on small entities, and the capacity of those affected by regulations to bear the direct and indirect costs of regulation. We prepared a final regulatory flexibility analysis (FRFA) in support of this action, as required by section 603 of the RFA. The FRFA describes the economic impact this final rule will have on small entities. Although we analyzed an alternative that would close a larger area and result in greater risk reduction (see Alternative 3 in the associated EA), twice as many small entities would have been affected and each risk reduction unit would cost 19 to 32 percent more than the alternative implemented under this final rule. While the risk reduction estimate for this alternative was higher, it was not selected due to, among other reasons, its economic effects on fishermen. The present rule reasonably balances right whale protections with economic impacts. A description of the action, why it is being considered, and its legal basis are contained at the beginning of this section in the preamble and in the **SUMMARY** section of the preamble. A copy of this analysis is available in the docket or from NMFS (see **ADDRESSES**), and a summary follows.

<sup>7</sup> NMFS does not, however, retain extension authority *ad infinitum*. For example, if the extension is unreasonably attenuated from the original emergency rule, an extension is improper. In contrast, the 2023 emergency rule extension was a single extension that immediately followed the original 2022 emergency rule during the subsequent migration season, while all other material features of the ongoing emergency remained constant. Moreover, the ongoing emergency was seasonal, given the timing of right whale migrations in and around the MRA Wedge and the timing of the MRA closure in adjacent waters. The 2023 emergency rule extension was, accordingly, seasonally consecutive with the 2022 emergency rule. Under the emergency rulemaking’s applicable facts and circumstances, NMFS properly utilized MMPA § 118(g)(4), given the close nexus between the 2022 emergency rule and its 2023 emergency rule extension.



The FRFA analysis estimates that 1,273 distinct entities had at least one LMA 1 Federal lobster permit in 2021, and 39 distinct entities were in other trap/pot fisheries. All of them are small entities with annual landings value below \$11 million. While considering the compliance costs for the small entities, it is worth noting that the vast majority of the regulated entities are located far away from the MRA Wedge so that it would not be economically feasible to travel to this area to fish. Therefore, this final rule would directly affect relatively few entities that actually fished with vertical lines in the MRA Wedge within the past five seasons (2017–2021). Alternative 2 would affect 26 to 31 entities, with the estimated annual compliance costs ranging from \$339,000 to \$608,000. The estimated cost for each entity ranges from \$9,500 to \$19,100. Alternative 3 would affect 53 to 66 entities, and the estimated annual compliance costs range from \$898,000 to \$1,453,000. The estimated cost for each entity ranges from \$9,900 to \$20,500.

#### Paperwork Reduction Act

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

#### Endangered Species Act

NMFS completed an ESA Section 7 consultation on the implementation of the Plan on July 15, 1997, and concluded that the action was not likely to adversely affect any ESA-listed species under NMFS' jurisdiction. Five subsequent consultations were conducted in 2004, 2008, 2014, 2015, and 2021, when NMFS amended the Plan. This final rule falls within the scope of the analysis conducted in the informal ESA Section 7 consultation on the implementation of the Plan (May 25, 2021), and a separate consultation is not required for this action. NMFS, as both the action agency and the consulting agency, reviewed the changes and determined that the measures as revised through this rulemaking would not affect ESA-listed species under NMFS' jurisdiction in a manner that had not been previously considered.

This final rule is a separate action independent from the 2021 ESA Section 7 Consultation on the: (a) Authorization of the American Lobster, Atlantic Bluefish, Atlantic Deep-Sea Red Crab, Mackerel/Squid/Butterfish, Monkfish, Northeast Multispecies, Northeast Skate Complex, Spiny Dogfish, Summer Flounder/Scup/Black Sea Bass, and Jonah Crab Fisheries and (b) Implementation of the New England

Fishery Management Council's Omnibus Essential Fish Habitat Amendment 2 (2021 BiOp; NMFS 2021b). The final rule was not developed during the fisheries consultation process that culminated in the 2021 BiOp, and the final rule satisfies the ESA and MMPA requirements through a consultation that was entirely distinct from the 2021 BiOp. The final rule is not associated with the 2021 BiOp and was not analyzed under the 2021 BiOp, nor does the 2021 BiOp provide ESA coverage for the final rule.

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#### List of Subjects in 50 CFR Part 229

Administrative practice and procedure, Confidential business information, Endangered Species, Fisheries, Marine mammals, Reporting and recordkeeping requirements.

Dated: February 1, 2024.

**Samuel D. Rauch, III,**  
*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

For the reasons set out in the preamble, NMFS amends 50 CFR part 229 as follows:

#### PART 229—AUTHORIZATION FOR COMMERCIAL FISHERIES UNDER THE MARINE MAMMAL PROTECTION ACT OF 1972

■ 1. The authority citation for part 229 continues to read as follows:

**Authority:** 16 U.S.C. 1361 *et seq.*; § 229.32(f) also issued under 16 U.S.C. 1531 *et seq.*

■ 2. Amend § 229.32 by revising paragraph (c)(3)(i) to read as follows:

##### § 229.32 Atlantic large whale take reduction plan regulations.

\* \* \* \* \*

(c) \* \* \*  
(3) \* \* \*

(i) *Area.* The Massachusetts Restricted Area is bounded landward by the Massachusetts shoreline, from points

MRA1 through MRA3 bounded seaward by the designated Massachusetts State waters boundary, and then bounded by a hump line connecting points MRA3 through MRA10 in order as detailed in table 11 to this paragraph (c)(3)(i);

TABLE 11 TO PARAGRAPH (c)(3)(i)

Point	N Lat.	W Long.
MRA1 .....	42°52.32'	70°48.98'
MRA2 .....	42°52.58'	70°43.94'
MRA3 .....	42°39.77'	70°30'
MRA4 .....	42°30'	70°30'
MRA5 .....	42°30'	69°45'
MRA6 .....	41°56.5'	69°45'
MRA7 .....	41°21.5'	69°16'
MRA8 .....	41°15.3'	69°57.9'
MRA9 .....	41°20.3'	70°00'
MRA10 .....	41°40.2'	70°00'

\* \* \* \* \*

[FR Doc. 2024–02438 Filed 2–6–24; 8:45 am]

**BILLING CODE 3510–22–P**

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 679

[Docket No. 230306–0065; RTID 0648–XD706]

##### Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands

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

**ACTION:** Temporary rule; reallocation.

**SUMMARY:** NMFS is reallocating the projected unused amounts of the Aleut Corporation and the Community Development Quota (CDQ) pollock directed fishing allowance (DFA) from the Aleutian Islands subarea to the Bering Sea subarea. This action is necessary to provide the opportunity for the harvest of the 2024 total allowable catch (TAC) of pollock, consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI).  
**DATES:** Effective 1200 hours, Alaska local time (A.l.t.), February 7, 2024, through 2400 hours, A.l.t., December 31, 2024.

**FOR FURTHER INFORMATION CONTACT:** Steve Whitney, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone



according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council (Council) under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In the Aleutian Islands subarea, the portion of the 2024 pollock TAC allocated to the Aleut Corporation and CDQ DFA is 14,600 metric tons (mt) and 1,900 mt, respectively, as established by the final 2023 and 2024 harvest specifications for groundfish in the BSAI (88 FR 14926, March 10, 2023)

and inseason adjustment (88 FR 88836, December 26, 2023).

As of January 30, 2024, the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that 11,680 mt of the Aleut Corporation's DFA and 1,900 mt of pollock CDQ DFA in the Aleutian Islands subarea will not be harvested. Therefore, in accordance with § 679.20(a)(5)(iii)(B)(4), NMFS reallocates 11,680 mt of the Aleut Corporation's DFA and 1,900 mt of pollock CDQ DFA from the Aleutian Islands subarea to the Bering Sea subarea allocations. The 1,900 mt of pollock CDQ DFA is added to the 2024 Bering Sea CDQ DFA. The 11,680 mt of pollock Aleut Corporation's DFA is apportioned to the American Fisheries Act (AFA) inshore sector (50 percent),

AFA catcher/processor (CP) sector (40 percent), and the AFA mothership sector (10 percent). The 2024 Bering Sea subarea pollock incidental catch allowance remains at 50,000 mt. As a result, the 2024 harvest specifications for pollock in the Aleutian Islands subarea included in the final 2023 and 2024 harvest specifications for groundfish in the BSAI (88 FR 14926, March 10, 2023) and adjustment (88 FR 88836, December 26, 2023) are revised as follows: 0 mt to CDQ DFA and 2,920 mt to the Aleut Corporation's DFA. Furthermore, pursuant to § 679.20(a)(5), table 5 is revised to make 2024 pollock allocations consistent with this reallocation. This reallocation results in an adjustment to the 2024 CDQ pollock allocation established at § 679.20(a)(5).

TABLE 5—FINAL 2024 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) <sup>1</sup>

[Amounts are in metric tons]

Area and sector	2024 Allocations	2024 A season <sup>1</sup>		2024 B season <sup>1</sup>
		A season DFA	Steller sea lion conservation area (SCA) harvest limit <sup>2</sup>	B season DFA
Bering Sea subarea TAC <sup>1</sup>	1,313,580	n/a	n/a	n/a
CDQ DFA	131,900	59,355	36,932	72,545
Incidental Catch Allowance (ICA) <sup>1</sup>	50,000	n/a	n/a	n/a
Total Bering Sea non-CDQ DFA	1,131,680	509,256	316,870	622,424
AFA Inshore	565,840	254,628	158,435	311,212
AFA Catcher/Processors <sup>3</sup>	452,672	203,702	126,748	248,970
Catch by CPs	414,195	186,388	n/a	227,807
Catch by Catcher Vessels (CVs) <sup>3</sup>	38,477	17,315	n/a	21,162
Unlisted CP Limit <sup>4</sup>	2,263	1,019	n/a	1,245
AFA Motherships	113,168	50,926	31,687	62,242
Excessive Harvesting Limit <sup>5</sup>	198,044	n/a	n/a	n/a
Excessive Processing Limit <sup>6</sup>	339,504	n/a	n/a	n/a
Aleutian Islands subarea acceptable biological catch (ABC)	43,092	n/a	n/a	n/a
Aleutian Islands subarea TAC <sup>1</sup>	5,420	n/a	n/a	n/a
CDQ DFA			n/a	
ICA	2,500	1,250	n/a	1,250
Aleut Corporation	2,920	2,920	n/a	
Area harvest limit <sup>7</sup>	n/a	n/a	n/a	n/a
541	12,928	n/a	n/a	n/a
542	6,464	n/a	n/a	n/a
543	2,155	n/a	n/a	n/a
Bogoslof District ICA <sup>8</sup>	300	n/a	n/a	n/a

<sup>1</sup> Pursuant to § 679.20(a)(5)(i)(A), the Bering Sea subarea pollock TAC, after subtracting the CDQ DFA (10 percent) and the ICA (50,000 mt—4.27 percent), is allocated as a DFA as follows: inshore sector—50 percent, CP—40 percent, and mothership sector—10 percent. In the Bering Sea subarea, 45 percent of the DFA and CDQ DFA are allocated to the A season (January 20 to June 10) and 55 percent of the DFA and CDQ DFA are allocated to the B season (June 10 to November 1). When the Aleutian Islands (AI) pollock ABC equals or exceeds 19,000 mt, the annual TAC is equal to 19,000 mt (§ 679.20(a)(5)(iii)(B)(7)). Pursuant to § 679.20(a)(5)(iii)(B)(2), the AI subarea pollock TAC, after subtracting first for the CDQ DFA (10 percent) and second for the ICA (2,500 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the AI subarea, the A season is allocated no more than 40 percent of the AI pollock ABC.

<sup>2</sup> In the Bering Sea subarea, pursuant to § 679.20(a)(5)(i)(C), no more than 28 percent of each sector's annual DFA may be taken from the SCA before noon, April 1.

<sup>3</sup> Pursuant to § 679.20(a)(5)(i)(A)(4), 8.5 percent of the allocation to listed CPs shall be available for harvest only by eligible catcher vessels with a CP endorsement delivering to listed CPs, unless there is a CP sector cooperative contract for the year.

<sup>4</sup> Pursuant to § 679.20(a)(5)(i)(A)(4)(iii), the AFA unlisted CPs are limited to harvesting not more than 0.5 percent of the CP sector's allocation of pollock.

<sup>5</sup> Pursuant to § 679.20(a)(5)(i)(A)(6), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

<sup>6</sup> Pursuant to § 679.20(a)(5)(i)(A)(7), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

<sup>7</sup> Pursuant to § 679.20(a)(5)(iii)(B)(6), NMFS establishes harvest limits for pollock in the A season in Area 541 of no more than 30 percent, in Area 542 of no more than 15 percent, and in Area 543 of no more than 5 percent of the AI pollock ABC.

<sup>8</sup> Pursuant to § 679.22(a)(7)(i)(B), the Bogoslof District is closed to directed fishing for pollock. The amounts specified are for incidental catch only and are not apportioned by season or sector.

**Note:** Seasonal or sector apportionments may not total precisely due to rounding.

### Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to

the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion, and would delay the reallocation of Aleutian Islands pollock. NMFS was unable to publish a notification providing time for public comment because the most recent, relevant data only became available as of January 30, 2024.

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the

effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: February 2, 2024.

**Everett Wayne Baxter,**

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

[FR Doc. 2024-02493 Filed 2-6-24; 8:45 am]

**BILLING CODE 3510-22-P**

# Proposed Rules

Federal Register

Vol. 89, No. 26

Wednesday, February 7, 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.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR PART 300

[Docket ID: OPM-2023-0014]

RIN 3206-AO37

### Bar to Appointment of Persons Who Fail To Register Under Selective Service Law

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Personnel Management (OPM) is proposing to revise the procedures for determining whether an individual's failure to register with the Selective Service System (SSS) was knowing and willful. These changes are intended to ensure that individuals in these circumstances have an opportunity to fully explain their failure to register and that the determination is based on a more complete record. In addition, the rule proposes to enable Federal agencies to make initial determinations as to whether an individual's failure to register with the SSS was knowing and willful.

**DATES:** Comments must be received on or before April 8, 2024.

**ADDRESSES:** You may submit comments, identified by the docket number or Regulation Identifier Number (RIN) for this proposed rulemaking, by the following method:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for sending comments.

All submissions must include the agency name and docket number or RIN for this rulemaking. Please identify your comments on the regulatory text by subpart and section number; if your comments relate to the supplementary information, please refer to the heading and page number of this proposed rule. All comments received will be posted without change, including any personal information provided. Please ensure your comments are submitted within

the specified open comment period. Before finalizing this rule, OPM will consider all comments we receive on or before the closing date for comments. OPM may make changes to the final rule in light of the comments we receive.

**FOR FURTHER INFORMATION CONTACT:** Michael Mahoney at [mike.mahoney@opm.gov](mailto:mike.mahoney@opm.gov), by fax at (202) 606-4430, TDD at (202) 418-3134, or by email at [employ@opm.gov](mailto:employ@opm.gov).

**SUPPLEMENTARY INFORMATION:** OPM proposes to change its procedures for determining whether an individual's failure to register with the SSS was knowing and willful. Specifically, OPM is proposing to clarify the applicable standard used to determine what constitutes "knowing and willful," to establish new procedures for individuals to submit evidence in support of their non-registration, and to allow Executive agencies to make the initial determination as to whether an individual's failure to register with the SSS was knowing and willful. OPM is proposing these changes to ensure that individuals in these circumstances have an opportunity to fully explain their failure to register and that the determination is based on a more complete record.

OPM's proposal to allow Executive agencies to conduct the initial adjudication should alleviate Federal agencies' having to delay the recruitment process to send cases to OPM for adjudication. In its March 2021 report,<sup>1</sup> the National Academy of Public Administration (NAPA) recommended that OPM adopt a more decentralized and risk-based approach to executing its transactional approval and oversight responsibilities. Specifically, NAPA recommended that OPM delegate, to the maximum extent possible, decision-making authorities to agencies, and conduct cyclical reviews to verify that appropriate actions were taken. NAPA's Rec. 2.5 was incorporated into OPM's Strategic Plan as Objective 4.2, which reads as follows: "Increase focus on Governmentwide policy work by shifting more low-risk delegations of authorities to agencies." OPM's proposal is consistent with NAPA's

<sup>1</sup> National Academy of Public Administration. "Elevating Human Capital: Reframing the U.S. Office of Personnel Management's Leadership Imperative" <https://www.volckeralliance.org/sites/default/files/attachments/OPM-Final-Report-National-Academy-of-Public-Administration.pdf>.

recommendation to decentralize and to allow agencies to conduct more decision making.

### Background

Under the Military Selective Service Act of 1948, as amended (hereafter referred to as "the Act"), all male citizens and every other male person residing in the U.S. between the ages of 18 and 26 who were born after December 31, 1959, are required to register with the SSS, unless the Act exempts them. (50 U.S.C. 3802). In addition, the Act establishes that "[e]very person shall be deemed to have notice of the requirements of this chapter upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 3802 of this title." (50 U.S.C. 3813). In 1980, President Carter issued such a proclamation (Proclamation No. 4771, July 2, 1980), which required that registration begin on July 21, 1980. That proclamation, as amended, remains in effect. Every covered male is now deemed to have had notice of these requirements by virtue of that Act and Proclamation 4771, as amended.

In 1985, Congress enacted 5 U.S.C. 3328, which provides that men who are born in 1960 or later and who are required to, but did not, register under section 3 of the Act (now codified at 50 U.S.C. 3802) generally are ineligible for Federal service. Section 3328 provides that an individual born after 1959 and required to register and "who is not so registered or knowingly and willfully did not so register before the requirement terminated or became inapplicable to the individual, shall be ineligible for appointment to a position in an Executive agency," unless the individual can establish "by a preponderance of the evidence that the failure to register was neither knowing nor willful." Section 3328 also provides that OPM, "in consultation with the Director of the Selective Service System, shall prescribe regulations to carry out" section 3328, including "provisions prescribing procedures for the adjudication of determinations of whether a failure to register was knowing and willful." In 1987, Congress amended section 3328 to allow OPM to establish decision-making authority with agencies through rulemaking (Pub.

L. 100–180, 101 Stat. 1019, December 4, 1987).

As noted above, section 3328 applies only to males who are (or were) required to register. Certain individuals may be (or may have been) exempt from registration as provided by sections 3 and 6(a) of the Act (50 U.S.C. 3802 and 3806(a)) or by Presidential proclamation. Examples of individuals who may be so excluded are: (1) Certain non-immigrant aliens who are residing in the United States temporarily, such as those on visitor or student visas; (2) individuals who are unable to register due to circumstances beyond their control, such as being hospitalized, institutionalized, or incarcerated; and (3) members of the Armed Forces on full-time active duty, as well as cadets and midshipmen at the United States service academies.

An individual covered by the Act who has not registered can do so at any time before reaching age 26. Once the individual is age 26, he may no longer register and is no longer able to correct his failure to register. Consequently, as a general rule, these cases arise only when an applicant fails to register prior to a temporary offer of employment, or during an employee's employment tenure, and the applicant or employee is age 26 or older and the possibility of registration is precluded. The current regulations, promulgated in 1987, establish that agencies should “request a written statement of Selective Service registration status from each covered individual at an appropriate time during the employment consideration process.” (5 CFR 300.704(a)). Accordingly, OPM is called upon to adjudicate a case involving failure to register only if registration is precluded due to the covered individual's age.

In 2011, OPM issued a notice of proposed rulemaking that was substantively similar to this proposed rule. 76 FR 73521, November 29, 2011 (“2011 proposed rule”). OPM did not finalize the 2011 proposed rule due to competing priorities (RIN 3206–AM06 withdrawn March 20, 2017). Although this proposed rule largely renews the 2011 proposal, OPM considered prior comments in formulating this proposed rule. (See the discussion in “Agency Adjudication” and the discussion regarding § 300.705 in “Proposed Changes in this Rule.”)

#### *The Applicable Standard*

The statute OPM is required to implement contains an ambiguity with respect to an individual who was required to register and failed to do so. Certain provisions of section 3328 (e.g., subsection (a)(2)) indicate that a failure

to register that is both knowing and willful is necessary to make the individual ineligible for Federal employment. The third sentence of subsection (b) of section 3328, however, states that OPM's procedures must require that a determination that a failure to register was knowing and willful “may not be made if the individual concerned shows by a preponderance of the evidence that the failure to register was neither knowing nor willful.” This provision suggests that a failure to register that is either knowing or willful would suffice to make the individual ineligible for employment.

There is substantial case law, under the Act and in other contexts, concerning the meaning of the terms “knowing” and “willful.” Although OPM acknowledges that the terms have substantial overlap, it is possible, at least theoretically, that a failure to register could be knowing but not willful or the reverse. Accordingly, OPM believes that there are divergent potential interpretations of the statute, either of which could be reasonable constructions, and that this ambiguity should be resolved.

#### **Summary of Major Provisions in This Proposed Rule**

##### *OPM's Interpretation of Knowing and Willful*

OPM proposes to resolve the ambiguity in 5 U.S.C. 3328 by amending 5 CFR part 300 to provide that a failure to register is not a bar to appointment unless such failure was both knowing and willful. In other words, the applicant or employee could establish eligibility under the Act by demonstrating, by a preponderance of the evidence (i.e., the degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to support a conclusion that the matter asserted is more likely to be true than not true—see proposed 5 CFR 300.703 Definitions), that a failure to register was either not knowing or not willful. This is consistent with the text of Section 3328(a)(2) which makes an individual who is no longer able to register ineligible only if he “knowingly and willfully did not so register before the requirement terminated or became inapplicable to the individual.”<sup>2</sup> It is also consistent with the text of Section

<sup>2</sup> Section 3328(a) also renders ineligible one “who is not registered” (emphasis added). Because this refers to covered individuals under the age of 26, such individuals may remedy the failure by registering. Thus, there is no need to adjudicate these cases, as the covered individual becomes eligible upon registration.

3328(b), which requires OPM to “prescrib[e] procedures for the adjudication of determinations of whether a failure to register was knowing *and* willful.” (emphasis added). This interpretation is supported by Congress's stated concern that a person should not be ineligible for Federal service unless his failure to register is determined to be both knowing and willful. See H.R. Conf. Rept. No. 99–235 at 517, July 29, 1985 (noting adoption of Senate provision with House amendment requiring that non-registration must be “knowing and willful”). This interpretation is also more consistent with the statutory scheme as a whole. Under 50 U.S.C. 3813, “[e]very person shall be deemed to have notice of the requirements” of SSS registration after July 2, 1980. So, if a showing of knowledge alone were sufficient to make a person ineligible for Federal employment, it would be virtually impossible for an applicant or employee ever to prevail, because the law presumes he has knowledge of the requirement to register. Moreover, the legislative history, which indicates that Congress was concerned with draft eligible males who “refused” to register, is also consistent with this interpretation. See House Rept. No. 99–81, May 10, 1985. The reference to “refusal” in the legislative history implies that the individual has taken affirmative steps or acts to decline to do something.

OPM's proposed interpretation is consistent with OPM's longstanding practice in adjudicating eligibility for Federal employment. Accordingly, if this interpretation is finalized and codified in Code of Federal Regulations, no prior decisions regarding eligibility would be impacted by this rulemaking.

##### *New Procedures To Submit and Assess Evidence*

This proposed rule also establishes new procedures for submitting evidence to be used by the decisionmaker in undertaking the inquiry required by section 3328. The existing procedures (5 CFR 300.705(d)) provide only for the submission of a request for an OPM determination together with any explanation or other documentation the covered individual chooses to furnish. It has been difficult for an individual to establish, through these limited procedures, that his failure to register was either not knowing or not willful. The more robust procedures that OPM is proposing would expressly require an individual to submit a sworn statement in support of his claim and make himself available to be interviewed by the adjudicator or provide testimony

concerning his explanation for his failure to register.

OPM believes that the proposed procedures would provide an individual with a more meaningful opportunity to explain why his failure to register meets the statutory and regulatory standard of proof. These procedures would also provide the adjudicator a more complete record on which to base his or her determination. These proposed procedures are discussed below.

#### *Agency Adjudication*

OPM proposes to modify 5 CFR part 300 to allow Executive agencies the authority to make the initial determination as to whether an individual's failure to register with the SSS was knowing and willful based on OPM's proposed interpretation. This will permit agencies to make faster decisions and reduce paperwork after consideration of an applicant's experience and qualifications prior to the completion of the Optional Form (OF) 306, Declaration for Federal Employment. In response to the 2011 proposed rule, some agencies expressed concern that they lacked the experience to adjudicate these eligibility issues; however, OPM would provide training and reference materials to assist agencies in making these determinations. Some agencies also expressed concern that they lack resources to adjudicate eligibility. Based on these comments received in response to the 2011 proposed rule, OPM proposes to allow agencies either to request that OPM provide initial adjudication or to leverage initial determinations made by another agency.

#### *OPM's Authority*

This proposed rule, however, also provides that OPM reserves reconsideration authority for itself so that an individual may seek review, by an OPM official designated by the Director, of an agency's initial determination that a failure to register was knowing and willful. OPM may also initiate reconsideration on its own initiative. OPM is also proposing that an OPM decision on reconsideration is final and no further adjudication by any agency is available.

This proposed rule also authorizes OPM to audit and oversee agencies' performance of this function, and to revoke the authority from any particular agency if the agency fails to carry out the function in accordance with applicable law. If OPM revokes the authority of a particular agency, the Director of OPM must designate an OPM official who will make the initial

determinations on adjudication requests arising from that agency.

OPM considered the merits of allowing each agency to adjudicate cases even when another agency has already made a determination of an applicant's or employee's eligibility. OPM considered the implications of two agencies reaching different conclusions or outcomes on the hiring process, and on the individual involved. OPM also considered what role OPM should play where one agency finds an individual to be ineligible and a subsequent agency finds the individual to be eligible. OPM has considered several options for OPM's role where a second agency adjudicates the case and reaches a different result from the first agency. One option would be to require the second agency to request OPM's review of the case. OPM's decision could be treated as a decision on reconsideration and binding on all agencies. Another option would be to require the second agency to notify OPM and provide its finding and rationale for reaching a different conclusion. The agency could move forward with the hiring action unless OPM took the case up for reconsideration on its own (as allowed by the regulations). Because the primary purpose in OPM extending authority to conduct initial adjudications to agencies is to promote efficiency, OPM seeks to avoid a process that will hinder agency review. Conversely, agencies generally would not be expected to reach different results, so OPM believes that some oversight of those cases is needed. As described previously, to reduce the potential burden on agencies, OPM is proposing that an agency must rely on a determination of eligibility (or ineligibility) made by another agency, except in situations in which the second agency has documentary evidence showing the agency making that determination either erred or did not have complete information when making its determination. In these situations, the second agency may present the documentary evidence along with the case file to OPM for reconsideration. OPM reconsideration for these purposes would work in a manner similar to the current reconsideration process: OPM would review the information and render a final decision on whether an individual's failure to register was knowing and willful and this decision would be binding on all agencies. OPM welcomes comment on these various considerations and options.

OPM is also considering whether OPM's initial decisions should be treated with more deference than other agency decisions. Because OPM has

extensive experience adjudicating these cases and has the ultimate administrative decision-making authority, it would be less likely that an agency should reach a different result than a prior OPM initial decision. Nonetheless, OPM does not want to institute procedures that would discourage agencies from reviewing an individual's case—particularly since the proposed process would provide increased opportunity for an individual to provide information to support his case.

As noted above OPM is proposing that an agency decision is binding on subsequent agencies unless a subsequent agency has documentary evidence showing the initial agency erred or was not privy to the documentary evidence when making its determination. In such instances, an agency could request OPM reconsideration of another agency's decision. OPM requests comments regarding what oversight OPM should provide for agency decisions to promote efficiency and avoid unnecessary duplication of effort.

#### *Consultation With the Selective Service System*

Individuals covered by the Act who have not registered, and who are seeking to become employed or remain employed by the Federal Government, must demonstrate by a preponderance of the evidence that their failure to register was not knowing and willful. In acting on individual cases, agencies may consult with the SSS. The Selective Service website provides easy and immediate access to verify individuals' registration status, and agencies can request relevant documents from the SSS.

#### *Elimination of "Applicant's Statement of Selective Service Registration Status"*

OPM's current regulations contain a self-certification statement of Selective Service registration to be completed by applicants and employees. Historically, agencies reproduced this statement on a separate form, as agencies could transpose the self-certification statement from 5 CFR 300.704. That statement was approved for use under OMB Control Number 3206-0166, which expired in 1995. OPM has streamlined the application process and reduced paperwork for Federal agencies by eliminating the need for a separate self-certification statement. A question on Selective Service registration is now part of OF 306, Declaration for Federal Employment, which is used to determine an applicant's acceptability and suitability for Federal positions.

Therefore, the Applicant's Statement of Selective Service Registration Status is no longer needed, and we are proposing to remove it from OPM's regulations.

### Proposed Changes in This Rule

To accomplish the objectives described in the previous section, this rule proposes to make specific changes in subpart G of 5 CFR part 300. The revised § 300.701 would replace the relevant statutory text that is repeated in the current § 300.701 with a concise statement of the purpose of subpart G, which is to implement the statutory bar on employment in an Executive agency of an individual who was required to register with the SSS, but who knowingly and willfully failed to register before reaching age 26.

The discussion of coverage in § 300.702 would be revised to include a shorter and clearer statement on applicability. The revised section clarifies that the subpart applies to all appointments in Executive agencies, as defined in 5 U.S.C. 105.

In § 300.703, which defines terms used in subpart G, OPM is proposing to add "authorized agency official" as a defined term to refer to an official designated by the head of an Executive agency to be responsible for determinations as to whether the failure of an applicant or employee covered by subpart G to register with the SSS was knowing and willful. The head of an Executive agency may delegate this authority to the agency's Chief Human Capital Officer (CHCO) or equivalent. OPM welcomes comment regarding whether an Executive agency should be authorized to delegate to another official at the agency's headquarters level. The definition for "authorized agency official" also captures the fact that an agency may request that OPM conduct the initial adjudication, in which case the "authorized agency official" will be an OPM official designated by the OPM Director.

OPM proposes several revisions to the definition for "covered individual." First, OPM proposes to remove the reference to "or becomes 18 following appointment" because those individuals become covered by the statutory requirement to register. Second, OPM proposes to remove paragraph (c) of the current definition, which explains that the term "covered individual" includes U.S. citizens and aliens (including parolees and refugees and those who are lawfully admitted to the United States for permanent residence and for asylum), and paragraph (d) of the current definition, which explains that certain nonimmigrant aliens, such as those admitted on visitor or student

visas, are exempt from the registration requirement. As described in the Background section of this notice, the statute specifies which individuals are subject to the registration requirement. The proposed definition explains the individuals required to register in terms of the statute. Although there are several groups (such as those admitted on visitor or student visas) who are exempt from the registration requirement either by statute or Presidential Proclamation, the current regulatory text only identifies one of those exceptions. OPM proposes to remove this additional text and to define coverage using the statute.

This proposed rule revises the remaining sections of subpart G to clarify the responsibilities of agencies regarding job applicants and employees who are required to register with the SSS. The proposed rule also sets forth the procedures for determinations by agencies, and subsequent reconsideration of those determinations by OPM, concerning whether a covered individual's failure to register was knowing and willful.

Section 300.704 of this proposed rule requires a Federal agency, before hiring a job applicant who is required to register with the SSS, to determine the Selective Service status of that individual. If the individual provides proof that he has registered, the agency may continue to consider him for appointment. If an agency fails to make the required determination prior to appointment, the agency must take steps to make the determination as soon as the omission is discovered.

Section 300.705 of this proposed rule concerns acceptable proof of registration status. The agency must require the individual to complete and sign OF 306 (Declaration for Federal Employment) (available at: <https://www.opm.gov/media/dxrbwvmb/declaration-for-federal-employment-optional-form-august-2023.pdf>) or another similar form<sup>3</sup> provided by the agency documenting his registration status. An agency must also allow the individual to provide a copy of his Selective Service acknowledgement card or other proof of registration or exemption that the SSS furnishes. Furthermore, in accordance with the Fair Chance Act and unless permitted by law, an agency may not ask applicants to answer the questions on the OF 306 that address criminal history information until the agency has made a conditional offer of employment to the applicant.

<sup>3</sup> An agency that uses a similar form provided by the agency must comply with the Paperwork Reduction Act for that form.

In the 2011 proposed rule, OPM proposed to allow an agency to accept either the form or the documentation from the Selective Service; however, comments from agencies recommended that all covered individuals be required to provide a standardized form self-certifying registration status. OPM is interested in comments on whether the completed self-certification should be required in all cases.

Generally, an applicant or employee must provide the self-certification within 7 business days of the request by the agency, although an agency may specify another reasonable time. If the covered individual is a current or former Federal appointee and the agency is able to confirm that his official personnel folder contains evidence of his eligibility for appointment under the Selective Service law, then the agency is not required to inquire about his registration status.

An applicant who fails to comply with this section cannot be given any further consideration for employment. If an applicant provides documentation indicating that he has not registered, then the agency must comply with the requirements detailed in § 300.706 before the agency can proceed with the appointment. If an employee fails to provide acceptable documentation and there is nothing in his Official Personnel Folder indicating his registration status has been resolved previously, then the agency must comply with the requirements detailed in § 300.706.

Section 300.706 of this proposed rule sets forth an agency's responsibility concerning applicants who are required to register with the SSS but have not done so. In the case of any such person who is under age 26, the agency must provide him with a written notice advising him to register and including specific information about how to do so, the proof of registration he must provide to the agency (and the agency deadline for doing so, in order for the agency to continue to consider the individual), and a statement describing the consequences of failing to comply.

The agency must also provide notice to an individual whose failure to register was not detected by the agency until after the time of appointment and who may still register. The agency must notify such an individual that unless he registers promptly (and the agency should provide a reasonable deadline for compliance) he will no longer be eligible for retention in his position and will thus be subject to termination. (In light of the congressional intent to encourage compliance with the registration requirement, we encourage agencies also to advise individuals for

whom the obligation to register has not arisen at the time of appointment that a future failure to register between the ages of 18 and 26 will preclude any subsequent appointment in the civil service).

In the case of an individual who is over age 26, the agency must inform him that it will deem him ineligible for appointment (for an applicant) or retention in his position (for a current employee) unless he provides evidence that his failure to register was not knowing and willful. The agency must inform the individual as to how to request a determination that his failure to register was not knowing and willful, establish a reasonable deadline for his doing so, and inform him that his failure to seek such a determination within a reasonable time will result in the elimination of the individual from further consideration for appointment (applicant) or termination of his employment by the agency (current employee).

Because the above-referenced obligations are owed solely to Congress to fulfill the purpose of the underlying statute, *i.e.*, to encourage registration with the Selective Service, any failure by the agency to comply with any of these obligations must not be interpreted to give rise to any defense or claim by an individual that his failure to register was the fault of the agency.

Section 300.707 of this proposed rule outlines the procedure for determining whether the individual's failure to register was knowing and willful. An individual who asks an agency to determine that his failure to register was not knowing and willful must submit a sworn statement to the agency explaining why he did not register, along with any other supporting documents. The burden of proof is on the individual to demonstrate, by a preponderance of the evidence, that his failure to register was not knowing and willful. The agency would first have to determine whether OPM or another agency had previously made a determination in the individual's case; if so the hiring agency must rely on the previously made determination unless the hiring agency has documentary evidence showing the initial agency erred or was not privy to the documentary evidence when making its determination. In such instances, the hiring agency could request OPM reconsideration of another agency's decision. OPM expects that agencies will be able to verify this information through an automated system. OPM would provide additional guidance and instructions upon development of this resource. An agency may also check

with OPM or other agencies directly. As a reminder to agencies, prior OPM decisions are added to an individual's Official Personnel File (OPF) and the electronic OPF. If the matter had previously been adjudicated by OPM pursuant to a reconsideration request under § 300.708, that determination would be final.

If there was no record of a prior determination by OPM, and no record of a prior determination by another agency, for an applicant, the agency would have to investigate and adjudicate the matter or request that OPM do so if the agency wanted to proceed with the selected applicant. (There is no obligation for an agency to investigate and adjudicate the matter for an applicant if the agency determines not to proceed with that applicant.) For a current employee, the agency must investigate and adjudicate the matter or request that OPM do so. This could include consulting with the SSS and questioning the individual and any others who submitted sworn statements on his behalf. The agency would be required to inform the individual in writing of its decision and inform him of his right to ask OPM to reconsider the agency's decision within 30 days after the date of the individual's receipt of the agency's decision.

The proposed regulatory text sets forth a process by which, if there was no decision upon reconsideration by OPM but another agency, including OPM in an initial decision, had previously adjudicated the matter, the current agency must rely on the determination made by the other agency unless the current agency had documentary evidence not previously considered or which indicated the initial agency's decision was made in error. If the current agency does have such documentary evidence, the agency may request OPM reconsideration of the matter. An OPM decision in these circumstances becomes binding on all agencies, and issue a decision on reconsideration to permit a different outcome. As a reminder, a hiring agency always has the option of disqualifying an unregistered applicant from further consideration and selecting another individual who is eligible and within reach for appointment. As noted in the "OPM's authority" discussion, OPM is considering other options and welcomes comments on this process.

Proposed § 300.708 provides for reconsideration by OPM of an agency determination that an individual's failure to register with the SSS was knowing and willful. OPM may do so either when it receives a request from an agency pursuant to proposed § 300.707,

the affected individual or on its own initiative. A reconsideration decision is made by the Director of OPM or by another official authorized by the Director to make such decisions. A reconsideration decision by OPM is final and there is no further right to administrative review. If OPM affirms the agency's determination, the individual will no longer be eligible for Federal employment. If he is currently employed by the agency, the agency must terminate his employment promptly on the grounds that his appointment was not lawfully made.

Proposed § 300.709 describes two methods by which OPM will provide oversight for adjudication of employment eligibility due to Selective Service violations. First, OPM would maintain a database of agency determinations under subpart G. Second, OPM may audit agency decisions and suspend or revoke an agency's authority to adjudicate if the agency is not carrying out its responsibilities under this subpart in accordance with applicable law and regulations. In such a case, OPM would resume initial adjudication of cases for that agency.

### Expected Impact of This Rule

#### A. Statement of Need

OPM proposes to codify its interpretation of the statutory prohibition against employing an individual whose failure to register with the SSS was knowing and willful. OPM also proposes to change its procedures for determining whether an individual's failure to register with the SSS was knowing and willful. In addition, the proposed rule would authorize Federal agencies to make initial determinations as to whether an individual's failure to register with the SSS was knowing and willful. Establishing this authority directly with the hiring agency will facilitate more efficient decisions and reduce paperwork for Federal agencies.

#### B. Impact

This proposed rule would change the procedures for determining whether an individual's failure to register with the SSS was knowing and willful. The impact of this proposed rule is twofold:

- The proposed changes will ensure that individuals who failed to register with SSS and have applied for positions within the Federal Government or are currently Federal Government employees have an opportunity to fully explain their failure to register, and that the determination is based on a more complete record. For cases received by OPM to adjudicate, approximately one

percent of these individuals are removed or denied employment per year on average over the past three years.

- OPM believes that authorizing Federal agencies to adjudicate eligibility will facilitate more efficient decisions and eliminate administrative burden on agencies by reducing the amount of paperwork inherent in the current process and by shortening the length of time it takes to render a decision. Because the proposed rule allows for a decision by one agency to be leveraged and applied by another agency, this process will facilitate shorter adjudication processing times across government. We envision this flexibility will lead to communities of practice and greater sharing of knowledge with respect to this process, which will result in economies of scale across Federal agencies.

### C. Costs

The costs associated with the proposed rule include: the costs associated with the resources agencies will need in order to make an initial determination as to whether an individual's failure to register was knowing and willful, and the usual learning curve of implementing a regulatory change. These costs are best measured or described in terms of their short-term impact. (OPM expects the proposed changes to yield economies of scale within and across agencies in the long-term.) In the short-term, agencies must develop the expertise and comfort level for making adjudications of initial decisions and have the proper delegations of authority in place to govern operational day-to-day processing of this casework. To help agencies minimize costs associated with this process, OPM intends to provide technical assistance upon request to any agency that may require such assistance. In addition, OPM would issue supplemental explanatory guidance based on agency feedback not long after the effective date of the final rule.

OPM estimates that adjudication of Selective Service registration cases can be performed by agency human resource (HR) specialists at the General Schedule (GS) or equivalent 11 through 14 grade levels, with appropriate supervision. In terms of annual salary rates, this range falls between \$78,592 for a GS 11 step 1 HR specialist and \$172,075 for a GS 14 step 10 level HR specialist (based on January 2023 pay tables for the Pay Area of Washington-Baltimore-Arlington, DC-MD-VA-WV-PA areas; see <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023/DCB.pdf>). In addition, we

estimate agency review of an internal recommendation to be performed by a Headquarters level management official at the GS 15 grade level with a salary range of \$155,700 to \$183,500, and the final approval and authorization executed by the agency's CHCO or designee at the GS 15 or Senior Executive Service (SES) levels with a salary range of \$155,700 through \$183,500 for GS 15 level employees and a range of \$172,100 through \$235,600 for SES level IV through level I employees (based on January 2023 Executive pay tables; see <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023/EX.pdf>).

The amount of time spent by all agency employees involved in the review, preparation, and authorization of adjudication actions will vary within and across agencies depending on the volume of cases and level of expertise within each individual agency. OPM expects the non-managerial grade level needed to perform this function will decrease over time as a result of institutional experience gained by agencies, knowledge sharing, the development of communities of practice, and the leveraging of decisions made by other agencies. As a reference point, OPM found that performing the function for the first time (little to no training and no prior agency expertise) required approximately 4 to 6 hours, including drafting and review. After developing in-house expertise, OPM has found that the function can be performed by a lower-graded employee in 2–4 hours with roughly 30 minutes of review. Because OPM plans to share the expertise it has developed over the years, agencies will benefit from OPM training and examples.

In terms of long-term impact, providing initial adjudication may represent an increased workload burden for some agencies. OPM processes approximately 200 cases per year from all Federal agencies. Under this proposed rule, any individual agency would be responsible for adjudicating a small fraction of those cases in a given year.

OPM does not expect the proposed rule to result in higher costs for job applicants and current employees. Currently, job applicants and current employees send any requested additional information via email or through the U.S. Postal Service or alternative mail delivery services. On average applicants respond within one week depending on which method they use. OPM estimates that this response time and the various methods used to

send requested information will not change as a result of this rulemaking.

### D. Benefits

The benefits associated with this proposed rule will be realized by both hiring/employing agencies as well as the applicants and employees who failed to register with the SSS. The proposed rule provides that agencies may make initial determinations of an applicant's or employee's failure to register with SSS or leverage a decision previously made by another agency. By having more control over this process, agencies will be better able to manage their caseloads, which will reduce the length of time it takes for an adjudication and thus shorten the time to hire. (Hiring actions typically are delayed during the adjudication process).

This proposed rule also allows one agency to leverage or apply an adjudication decision made by another Federal agency. This flexibility will improve the efficiency of this process in general and may be a significant benefit to those agencies with relatively limited resources which may be unable to perform this function in a timely manner. Job applicants who have not registered with SSS will realize a faster, more efficient process without any changes to the appeals process they are currently subject to. OPM expects the proposed changes to yield economies of scale within and across agencies once agencies become proficient in making initial determinations. OPM will provide training to agencies en masse, or on an individual basis, in addition to issuing supplemental guidance to the final rule, and plans to develop an accessible repository of past OPM decisions as well as agency decisions made after the final rule becomes effective.

### E. Regulatory Alternatives

The regulatory alternative to this proposed rule is the option of OPM retaining primary responsibility for making initial determinations of Selective Service registration and eligibility for appointment. Under current regulations, agencies seeking an initial adjudication request in writing from OPM a decision on a particular applicant or employee. OPM reviews the materials submitted for review and renders a decision as to whether the individual's failure to register was knowing and willful. Thus, two entities are involved in the current process: the requesting agency and OPM. The proposed rule streamlines this process by allowing agencies to complete the initial determination process in house. (The proposed rule preserves the



current mechanism that allows an individual to appeal an initial determination to OPM.) This proposal also provides agencies with a standardized set of criteria to follow when making their initial determinations to ensure consistency across government in the adjudication process. Lastly, the proposed rule further streamlines the current process by providing for agencies to leverage a determination already made by another hiring or employing agency. This streamlined process will benefit both agencies as well as the individuals for whom a decision is being sought by reducing the length of time inherent in the adjudication process. This rule proposes to give agencies more control over this process than is currently the case.

### Procedural Issues and Regulatory Review

#### Severability

Severability is an important remedial doctrine that arises in cases challenging the legality of statutes and agency rules. When reviewing a rule, if a court determines that a particular provision is unlawful, severability addresses whether judicial relief should extend to the entire rule or whether it can be limited to the invalid provision, leaving in effect the remainder of the rule (see <https://www.acus.gov/sites/default/files/documents/tailoring-the-scope-of-judicial-remedies-in-administrative-law-final-report.pdf>). OPM intends and expects that, if any part or section is held to be invalid or unenforceable as applied to any person or circumstance, a reviewing court should construe that part or section so as to continue to give the maximum effect to the provision permitted by law, including as applied to persons not similarly situated or to dissimilar circumstances, unless such holding is that the provision is invalid and unenforceable in all circumstances, in which event the provision should be severable from the remainder of this.

In particular, OPM considers the interpretation of the statutory language regarding “knowing and willful” to be severable from the procedural changes proposed. OPM also considers the regulatory changes proposed with respect to allowing agencies to conduct the initial adjudication to be severable from the changes to the information an applicant (or employee) must provide as part of the adjudicatory process. OPM invites comment on the severability of these provisions.

#### Regulatory Review

Executive Orders 12866 (Sept. 30, 1993), 13563 (Jan. 18, 2011), and 14094 (Apr. 6, 2023) direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. A regulatory impact analysis must be prepared for major rules with economically significant effects of \$200 million or more in any one year. While this rule does not reach the economic effect of \$200 million or more, this rule was reviewed by the Office of Management and Budget as a significant, but not economically significant rule.

#### Regulatory Flexibility Act

The Director of the Office of Personnel Management certifies that this rule will not have a significant economic impact on a substantial number of small entities.

#### Federalism

OPM examined this rule in accordance with Executive Order 13132, “Federalism,” and determined that this rule will not have any negative impact on the rights, roles and responsibilities of State, local, or tribal governments.

#### Civil Justice Reform

This regulation meets the applicable standard set forth in section 3(a) and (b)(2) of Executive Order 12988.

#### Unfunded Mandates Reform Act of 1995

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

#### Paperwork Reduction Act (44 U.S.C. 3501–3521)

This rule does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act (PRA). The existing regulation at 5 CFR 300.704(b) codified OMB Control Number 3206–0166, which is no longer in use (note the current regulation erroneously displays

an expiration date of October 31, 1989.) OPM is proposing to eliminate the codified form as there is an OMB-approved collection of information titled *Declaration for Federal Employment (OF 306)*, OMB Control Number 3206–0182, which covers this information and eliminates the need for OMB Control No. 3206–0166. OPM does not anticipate any changes to the data elements, costs, or burden for the current collection with this proposed rule. The system of record notice for the currently approved collection is <https://www.opm.gov/information-management/privacy-policy/sorn/opm-sorn-govt-1-general-personnel-records.pdf>. Additional information regarding the collection—including all background materials—can be found at <https://www.reginfo.gov/public/do/PRAMain> by using the search function to enter either the title of the collection or the OMB Control Number.

#### List of Subjects in 5 CFR Part 300

Freedom of information, Government employees, Reporting and recordkeeping requirements, Selective Service System.

Office of Personnel Management.

**Kayyonne Marston,**

*Federal Register Liaison.*

Accordingly, the Office of Personnel Management proposes to amend 5 CFR part 300 as follows:

### PART 300—EMPLOYMENT (GENERAL)

■ 1. The authority citation for part 300 is revised to read as follows:

**Authority:** 5 U.S.C. 552, 2301, 2302, 3301, and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., page 218, unless otherwise noted. Secs. 300.101 through 300.104 also issued under 5 U.S.C. 7201, 7204, and 7701; E.O. 11478, 3 CFR 1966–1970 Comp., page 803, E.O. 13087; and E.O. 13152. Secs. 300.401 through 300.408 also issued under 5 U.S.C. 1302(c). Secs. 300.501 through 300.507 also issued under 5 U.S.C. 1103(a)(5). Sec. 300.603 also issued under 5 U.S.C. 1104. Secs. 300.701 through 300.709 also issued under 5 U.S.C. 3328(b).

■ 2. Subpart G is revised to read as follows:

#### Subpart G—Statutory Bar to Appointment of Persons Who Fail To Register Under the Selective Service Law

Sec.	
300.701	Purpose.
300.702	Coverage.
300.703	Definitions.
300.704	Agency responsibility to determine registration status.
300.705	Proof of registration.

300.706 Agency responsibility regarding covered individuals who have not registered.

300.707 Agency determination of whether the failure to register was knowing and willful.

300.708 Reconsideration by OPM.

300.709 OPM Oversight.

#### **§ 300.701 Purpose.**

This subpart implements 5 U.S.C. 3328, which bars from employment in an Executive agency an individual who was required to register with the Selective Service System and “who is not so registered or knowingly and willfully did not so register before the requirement terminated or became inapplicable to the individual.” The bar on employment does not apply to such an individual who can demonstrate by a preponderance of the evidence either that the failure to register was not knowing or that the failure to register was not willful.

#### **§ 300.702 Coverage.**

This subpart covers all appointments to positions in Executive agencies.

#### **§ 300.703 Definitions.**

In this subpart—

*Agency* means an Executive agency as defined in 5 U.S.C. 105.

*Appointment* means any personnel action that brings onto the rolls of an agency as an officer or employee as defined in 5 U.S.C. 2104 and 2105, respectively, a person who is not currently employed in that agency. It includes initial employment as well as transfer between agencies and subsequent employment after a break in service. A personnel action that moves an employee within an agency without a break in service of more than 3 days is not an appointment for purposes of this subpart.

*Authorized agency official* means the head of an agency or an official who is authorized to act for the head of the agency in the matter concerned, except that delegation from the head of an agency is limited to the agency’s Chief Human Capital Officer or equivalent. If the head of an agency (or equivalent) requests that OPM provide the initial adjudication, the authorized agency official means an official designated by the OPM Director to act for the Director in the matter concerned.

*Covered individual* means a male—

(a) Whose application for appointment is under consideration by an agency or who is currently employed by an agency;

(b) Who was born after December 31, 1959, and is at least 18 years of age; and

(c) Who is either (1) an applicant who is or was required to register under

Selective Service law at any time prior to or concurrent with the consideration of his application; or (2) an appointee who is or was required to register under 50 U.S.C. 3802 at any time prior to his current appointment.

*Exempt* refers to those individuals excluded from the requirement to register with the Selective Service System under Selective Service law or by Presidential proclamation.

*Preponderance of the evidence* means that degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to support a conclusion that the matter asserted is more likely to be true than not true.

*Selective Service law* means the Military Selective Service Act, rules and regulations issued thereunder, and proclamations of the President under the Act.

*Selective Service System* means the agency responsible for administering the registration system and for determining who is required to register and who is exempt.

#### **§ 300.704 Agency responsibility to determine registration status.**

(a) An agency seeking to appoint a covered individual must determine the covered individual’s eligibility before he may be appointed. An agency’s failure to make a required registration status determination prior to a covered individual’s appointment, however, does not relieve the agency from having to make such a determination when the agency becomes aware of the omission thereafter and does not relieve the covered individual from the obligation to cooperate with the agency in reaching a determination. The agency must take all appropriate steps to make the determination as soon as it discovers the omission, regardless of the intervening appointment.

(b) As provided by § 300.707(e) of this part, an agency may, but is not obligated to, hold open a vacancy while the individual takes steps to resolve the registration issue.

#### **§ 300.705 Proof of registration.**

(a)(1) At an appropriate time during the consideration process prior to appointment, an agency must require a covered individual to complete Optional Form 306, Declaration for Federal Employment, or a form provided by the agency that requests information on registration status.

(2) The agency must allow a covered individual to submit, in addition to the form(s) described in paragraph (a)(1) of this section, a copy of his Selective Service acknowledgement card or other

proof of registration or exemption issued by the Selective Service System.

(b) An agency may give no further consideration for appointment to a covered individual who fails, within 7 business days, or another reasonable time specified by the agency, to provide the information on registration status as required by paragraph (a) of this section.

(c) An agency considering appointment of a covered individual who is a current or former Federal appointee is not required to inquire about his registration status if the agency determined that his application materials or Official Personnel Folder contains evidence that the individual is registered, is exempt, or has had a prior determination under this subpart that his failure to register was not knowing and willful.

#### **§ 300.706 Agency responsibility regarding covered individuals who have not registered.**

(a) In the case of a covered individual who is under age 26 and has not registered with the Selective Service System, and in order to further Congress’s purpose in enacting 5 U.S.C. 3328, the agency must provide the individual with a written notice that advises him to register promptly and includes the following:

(1) Information about how to register online on the Selective Service System’s website;

(2) A statement requiring the individual to submit a new Optional Form 306, “Declaration for Federal Employment” agency form, or a copy of his Selective Service acknowledgement card or other proof of registration or exemption issued by the Selective Service System to prove that he has complied;

(3) A statement requiring the individual to submit any additional documentation the agency deems necessary to establish that the individual has registered;

(4) A deadline for submitting the required documentation; and

(5) A statement that, if the individual fails to provide the required documentation by the deadline, he will no longer be eligible for appointment, or, in the case of a covered individual who has already been appointed, a statement that the failure to register will result in the individual being terminated on the ground that he was ineligible for appointment at the time he was appointed.

(b) In the case of a covered individual who is age 26 or older and has not registered with the Selective Service System, the agency, when it learns of the failure to register, must notify the

individual in writing that, as required by 5 U.S.C. 3328, he is ineligible for appointment or for continued employment unless his failure to register was not knowing and willful. The notice must inform the individual that he may request in writing a determination by the agency that his failure to register was not knowing and willful if he provides, along with his request, a written explanation of his failure to register, as described in § 300.707. The notice must specify how to submit the request (*e.g.*, to whom, in what format) and by when the request must be received. The individual's failure to submit this request within a reasonable time, as determined by the agency, obligates the agency to eliminate the individual from further consideration for an appointment or to commence steps to terminate the individual's continued employment, as applicable.

**§ 300.707 Agency determination of whether the failure to register was knowing and willful.**

(a)(1) An individual who, as provided in § 300.706(b), requests a determination that his failure to register was not knowing and willful must submit to the agency a sworn statement that explains why he failed to register. The sworn statement must set forth all relevant facts and circumstances, including whether this issue has ever been adjudicated by another agency. This sworn statement must be signed and must include the following statement, "I declare, under penalty of perjury, that the facts stated in this statement are true and correct." He may also submit any other documents that support his claim, including sworn statements from other individuals with first-hand knowledge of the relevant facts.

(2) The record for review by the authorized agency official must include the documents submitted pursuant to paragraph (a)(1) of this section, the documentation submitted pursuant to § 300.705(a), a copy of the written notice referred to in § 300.706(b), his request for a determination that his failure to register was not knowing and willful, and any other relevant documents. The individual must demonstrate by a preponderance of the evidence that his failure to register was not knowing and willful.

(b) Upon receiving a request for a determination that an individual's failure to register was not knowing and willful, the agency may proceed with the adjudication process.

(c) When building the record to evaluate the issue of whether the failure

to register was knowing and willful, the agency may investigate the information in the documents provided by all appropriate means, including questioning the covered individual or employee and any other person who submitted a statement in support of his claim, and consulting with the Selective Service System. Refusal of any individual who submits a sworn statement under this section to be interviewed may be grounds for a determination that the covered individual's failure to register was knowing and willful.

(d) If the agency chooses to pursue adjudication, the agency must determine whether the issue was previously adjudicated by OPM or another agency.

(1) If the issue was previously adjudicated by OPM pursuant to a reconsideration request under § 300.708, that decision is final.

(2) If the issue was previously adjudicated by another Federal agency, that agency's decision is final unless the hiring agency has documentary evidence showing the initial agency erred or did not have complete information when making its determination. In such instances, the hiring agency may request OPM reconsideration of another agency's decision pursuant to § 300.708. The agency must provide to OPM whatever documents OPM decides it needs to determine whether to permit the earlier decision to be superseded.

(3) If the issue was not previously adjudicated, the authorized agency official must examine the individual's request and reach his or her own conclusion as to whether the failure to register was knowing and willful. The agency must inform the individual in writing of its decision. The decision must inform the individual that he may request reconsideration of the agency's determination under § 300.708 within 30 days after the date of receipt of the decision, at which time the agency's decision becomes final unless the individual has timely filed a request for reconsideration with OPM.

(e) If the individual is an employee, the agency must file a copy of the decision in the employee's official personnel folder.

(f) An agency is not required to keep a vacant position open for a covered individual who seeks a determination under this section, unless otherwise required by law. An agency always has the option of disqualifying the applicant and considering the next eligible and available candidate.

(g) If the agency finds that the failure to register was knowing and willful, a covered individual is ineligible for further employment consideration by that agency, or for continued Federal employment if he has already been appointed.

**§ 300.708 Reconsideration by OPM.**

(a) When a request for reconsideration is filed with OPM in a timely manner, OPM will inform the agency and the individual that it has received the request.

(b) The Director of OPM, or other authorized OPM official designated by the Director, on his or her own initiative or at the request of the individual, may review the decision of an agency under § 300.707 and make a determination based on all documentation provided to affirm or overrule the agency's decision. The authorized OPM official may investigate the information in the documents provided by all appropriate means, including questioning the covered individual or any other person who submitted a statement in support of his claim, and consulting with the Selective Service System. The official will examine the individual's request and make his or her own conclusion as to whether the failure to register was knowing and willful. The decision of OPM is final. There is no further right to administrative review.

(c) OPM will provide the agency and the covered individual with a copy of its decision.

(d) If OPM affirms the agency's determination that the failure to register was knowing and willful, the agency must cease considering the individual for appointment or, if the individual is a current employee, initiate steps to terminate his employment.

**§ 300.709 OPM Oversight.**

OPM may audit agency decisions under this subpart and may suspend or revoke an agency's authority under this subpart if it determines the agency is not carrying out its responsibilities under this subpart in accordance with applicable law and regulations. In the event of such a suspension or revocation, the Director of OPM must designate an authorized OPM official who will make the determinations for that agency under this section while that suspension or revocation is in effect.

[FR Doc. 2024-02402 Filed 2-6-24; 8:45 am]

BILLING CODE 6325-39-P

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

[Docket No. FAA–2024–0222; Project Identifier MCAI–2023–01072–T]

RIN 2120–AA64

**Airworthiness Directives; ATR—GIE Avions de Transport Régional Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain ATR—GIE Avions de Transport Régional Model ATR42 and ATR72 airplanes. This proposed AD was prompted by a report of an electrical contactor that failed with contacts in the intermediate position, causing the airplane to lose power to multiple electrical systems. This proposed AD would require repetitive operational tests of the affected part, and, depending on findings, accomplishment of applicable corrective action, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

**DATES:** The FAA must receive comments on this proposed AD by March 25, 2024.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.

- *Fax:* 202–493–2251.

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

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

*AD Docket:* You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–0222; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

*Material Incorporated by Reference:*

- For material that is proposed for IBR in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *Ads@easa.europa.eu*; website *easa.europa.eu*. You may find this material on the EASA website at *ad.easa.europa.eu*. It is also available at *regulations.gov* under Docket No. FAA–2024–0222.

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

**FOR FURTHER INFORMATION CONTACT:**

Shahram Daneshmandi, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 206–231–3220; email: *shahram.daneshmandi@faa.gov*.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA–2024–0222; Project Identifier MCAI–2023–01072–T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

**Confidential Business Information**

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

page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Shahram Daneshmandi, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 206–231–3220; email: *shahram.daneshmandi@faa.gov*. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

**Background**

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2023–0181, dated October 13, 2023 (EASA AD 2023–0181) (also referred to as the MCAI), to correct an unsafe condition for ATR—GIE Avions de Transport Régional Model ATR 42–200, ATR 42–300, ATR 42–320, ATR 42–400, ATR 42–500, ATR 72–101, ATR 72–102, ATR 72–201, ATR 72–202, ATR 72–211, ATR 72–212, and ATR 72–212A airplanes, except those on which ATR modification (mod) 05948 has been embodied in production. Model ATR 42–400 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability. The MCAI states that one event of electrical failure has been reported on a pre-mod 05948 airplane, possibly caused by a functional item number (FIN) 1PA contactor failing with contacts in the intermediate position.

The FAA is proposing this AD to address an electrical failure. This condition, if not addressed, could lead to temporary loss of the direct current emergency electrical network and loss of control of the airplane.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–0222.

**Related Service Information Under 14 CFR Part 51**

EASA AD 2023–0181 specifies procedures for repetitive operational tests on the contactor 1PA, and, depending on findings, accomplishment of applicable corrective actions. Corrective actions include replacement of the contactor. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

FAA’s Determination

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2023–0181 described previously, except for any differences

identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2023–0181 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2023–0181 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Using common terms that are the same as the heading of a particular section in EASA AD 2023–0181 does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA AD 2023–0181. Service information required by EASA AD 2023–0181 for compliance will be available at *regulations.gov* under Docket No. FAA–2024–0222 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 49 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × \$85 per hour = \$85 .....	\$0	\$85	\$4,165 per test.

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

the results of any required actions. The FAA has no way of determining the

number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
2 work-hours × \$85 per hour = \$170 .....	\$1,625	\$1,795

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:
- Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

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

ATR—GIE Avions de Transport Régional:  
Docket No. FAA–2024–0222; Project Identifier MCAI–2023–01072–T.

**(a) Comments Due Date**

The FAA must receive comments on this airworthiness directive (AD) by March 25, 2024.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to the ATR—GIE Avions de Transport Régional airplanes specified in paragraphs (c)(1) and (2) of this AD, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2023–0181, dated October 13, 2023 (EASA AD 2023–0181).

(1) Model ATR42–200, –300, –320, and –500 airplanes.

(2) Model ATR72–101, –102, –201, –202, –211, –212, and –212A airplanes.

**(d) Subject**

Air Transport Association (ATA) of America Code 24, Electrical power.

**(e) Unsafe Condition**

This AD was prompted by a report of an electrical contactor that failed with contacts in the intermediate position, causing the airplane to lose power to multiple electrical systems. The FAA is issuing this AD to address an electrical failure. The unsafe condition, if not addressed, could result in temporary loss of the direct current emergency electrical network and loss of control of the airplane.

**(f) Compliance**

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

**(g) Requirements**

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2023–0181.

**(h) Exceptions to EASA AD 2023–0181**

(1) Where EASA AD 2023–0181 refers to its effective date, this AD requires using the effective date of this AD.

(2) This AD does not adopt the “Remarks” section of EASA AD 2023–0181.

**(i) Additional AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (j)(1) of this AD. Information may be emailed to: [9-AVS-AIR-730-AMOC@faa.gov](mailto:9-AVS-AIR-730-AMOC@faa.gov). Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions

from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or EASA; or ATR—GIE Avions de Transport Régional’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

**(j) Additional Information**

(1) For more information about this AD, contact Shahram Daneshmandi, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 206–231–3220; email: [shahram.daneshmandi@faa.gov](mailto:shahram.daneshmandi@faa.gov).

(2) For ATR service information identified in this AD that is not incorporated by reference, contact ATR—GIE Avions de Transport Régional, 1 Allée Pierre Nadot, 31712 Blagnac Cedex, France; telephone +33 (0) 5 62 21 62 21; fax +33 (0) 5 62 21 67 18; email [continued.airworthiness@atr-aircraft.com](mailto:continued.airworthiness@atr-aircraft.com); website [atr-aircraft.com](http://atr-aircraft.com). You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (k)(3) and (4) of this AD.

**(k) Material Incorporated by Reference**

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2023–0181, dated October 13, 2023.

(ii) [Reserved]

(3) For EASA AD 2023–0181, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADS@easa.europa.eu](mailto:ADS@easa.europa.eu); website [easa.europa.eu](http://easa.europa.eu). You may find this EASA AD on the EASA website at [ad.easa.europa.eu](http://ad.easa.europa.eu).

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

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

Issued on February 1, 2024.

**Victor Wicklund,**

*Deputy Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2024–02442 Filed 2–6–24; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF COMMERCE****Bureau of Industry and Security****15 CFR Part 700**

[Docket No. 240108–0002]

RIN 0694–AJ15

**Clarifications and Updates to Defense Priorities and Allocations System Regulation**

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

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would amend the Bureau of Industry and Security’s (BIS) Defense Priorities and Allocations System (DPAS) regulation by providing administrative changes to well-established standards and procedures. This proposed rule would: clarify existing standards and procedures by which BIS may provide Special Priorities Assistance (SPA); revise Schedule I to provide transparency and differentiation between other departments’ priorities jurisdiction and the Department of Commerce’s jurisdiction; and provide technical edits to reflect certain non-substantive updates since the DPAS regulation was last amended in 2014, including providing updated contact information, legal citations, and definitions.

**DATES:** Comments on this proposed rule must be received by BIS by no later than March 8, 2024.

**ADDRESSES:** Comments on this proposed rule may be submitted to the Federal rulemaking portal ([www.regulations.gov](http://www.regulations.gov)). The [regulations.gov](http://regulations.gov) ID for this rule is: BIS–2024–0002. Please refer to RIN 0694–AJ15 in all comments. Anyone submitting business confidential information should clearly identify any business confidential portion of a comment 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>.

**FOR FURTHER INFORMATION CONTACT:**  
Katie Reid at (202) 482–3634, [DPAS@bis.doc.gov](mailto:DPAS@bis.doc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

This proposed rule would update the priorities and allocations provisions set forth in the Defense Priorities and Allocations System (DPAS) regulation (15 CFR part 700) and implemented by the Department of Commerce (DOC), Bureau of Industry and Security (BIS) consistent with its authorities under Title I of the Defense Production Act of 1950, as amended (50 U.S.C. 4501 *et seq.*) (DPA), as delegated by Executive Order 13603 (March 16, 2012).

The DPAS has two principal components, priorities and allocations. Under the priorities component, certain contracts between the government and private parties or between private parties for the production or delivery of industrial resources are required to be given priority over other contracts to facilitate expedited delivery in promotion of the U.S. national defense. Under the allocations component, materials, services, and facilities may be allocated to promote the national defense. For both components, the term “national defense” means programs for military and energy production or construction, homeland security, stockpiling, space, emergency preparedness, critical infrastructure protection and restoration, and any directly related activity. The term also includes military and critical infrastructure assistance to any foreign nation.

##### **Section-by-Section Analysis of the Clarifications and Updates That This Proposed Rule Would Make to the Existing DPAS Regulation**

The following discussion explains the changes that this proposed rule would make to the existing DPAS regulation.

##### *Subpart A—Purpose*

*Section 700.1—Purpose of this part.* This section would add the legal citation for the DPA and update the legal citation for the Robert T. Stafford Disaster Relief Emergency Assistance Act. This rule would also make minor changes to the language to be consistent with the DPA and Executive Order (E.O.) 13603.

##### *Subpart B—Overview*

*Section 700.2—Introduction.* This section would change reference to “industrial items” to “industrial resources” in paragraph (b) in order to use the term “industrial resources” defined in § 700.8. Paragraph (c) would be revised to highlight that the DOC is also listed as an agency in Schedule I and the reason why. BIS believes that the additional information would provide a more complete description of Schedule I.

*Section 700.3—Priority ratings and rated orders.* This section would add in paragraph (a) references to the rating symbol to conform with the current definition of priority rating in section 700.8 as well as a description of a rating symbol. BIS would make these changes so that paragraph (a) will give a more complete description of a priority rating. It also revises paragraph (d) of this section by changing “items” to “industrial resources” in order to use the term “industrial resources” defined in section 700.8.

##### *Subpart C—Definitions*

*Section 700.8—Definitions.* This section would update the legal citation for the DPA found in the definition of “Defense Production Act.” It would update the legal citation for the Stafford Act found in the definitions of “national defense” and “Stafford Act,” and it would update the legal citation for the Selective Service Act found in the definition of “Selective Service Act.” Both the definition of “approved program” and “priorities authority” are proposed for updates in order to be consistent with the language of the DPA and E.O. 13603. It would also update the definition of “priority rating” to provide clarity that the DOC may assign the priority rating, which is consistent with 15 CFR part 700. It would remove the definition of “item” and update the definition of “industrial resources” to clarify and be consistent with the use of both terms in 15 CFR part 700. This section would include the definitions of “facilities,” “materials,” and “services” to provide clarity and be consistent with the DPA. It would also provide a definition for “determination department” and “resources department” to provide clarity and be consistent with sections 201 and 202 of E.O. 13603 and other priorities and allocations regulations. It would also make non-substantive changes by adding a comma after “administrative subpoenas” in the definition of official action and a comma after “chemicals” in the definition of “maintenance and

repair and/or operating supplies (MRO).”

##### *Subpart D—Industrial Priorities*

*Section 700.10—Authority.* This section would revise the last sentence of paragraph (c)(1), to provide clarity on what the provisions of 15 CFR part 700 are not applicable to by removing “those other items which include”. This change is to be consistent with the use of “item” in 15 CFR part 700.

*Section 700.11—Priority ratings.* This section would make a non-substantive change in paragraph (a)(1) by moving the period inside the quotation. It would also capitalize the word “schedule” in paragraph (b) as this word references Schedule I, a specific part of 15 CFR part 700, which is capitalized throughout 15 CFR part 700. It would also clarify the explanation of what “A7” signifies to be consistent with Schedule I. This section would update paragraph (c) by replacing reference to the “C2” program identification symbol with “A7” in order to refer to the program identification symbol later referenced as an example of a priority rating in this paragraph.

*Section 700.12—Elements of a rated order.* This section would replace the example that refers to a “DX-A4” priority rating, which is not currently in use, with a reference to a “DX-A2” priority rating, which is more commonly used, in paragraph (a)(1). It would also revise paragraph (a)(4) by changing the word “regulations” to “regulation” to be consistent with the use of the word when referencing 15 CFR part 700.

*Section 700.13—Acceptance and rejection of rated orders.* This section would replace the brackets with parentheses in paragraph (c)(5) to be consistent with other sections of 15 CFR part 700. It would add “(1)” in between “one” and “working day” in paragraph (d)(3) to be consistent with other parts of this section.

*Section 700.14—Preferential scheduling.* This section would revise the “Examples” by changing “June 2” to “June 3” so that the fact pattern makes sense.

*Section 700.15—Extension of priority ratings.* This section would revise paragraphs (a), (b), and (c) by changing “items” to “industrial resources” to clarify the type of resource covered by the extension of priority ratings provision. It would also revise paragraph (a) by adding a pinpoint citation to section 700.17 to add clarity as to which section of 15 CFR part 700 is being referenced. This section would insert language in paragraphs (a) and (b) to clarify that all four required elements



of a rated order outlined in section 700.12 must be included on each successive order placed to fulfill a rated order. It would also insert language in the “Example” to clarify that a “DO–A3” is a priority rating on a rated order.

**Section 700.16—Changes or cancellations of priority ratings and rated orders.** This section would make one non-substantive change to paragraph (b) by removing the comma after “DO”.

**Section 700.17—Use of rated orders.** This section would clarify in paragraph (a)(4) that a “DO–A3” and “DO–H7” are a priority rating on a rated order. This section would update paragraph (b)(1) by adding the spelling of “90” and parentheses around “90” to be consistent with other sections of 15 CFR part 700. This section would revise paragraph (d)(1)(ii) by changing the word “regulations” to “regulation” to be consistent with the use of the word when referencing 15 CFR part 700. This section would change the value of \$75,000 listed in paragraph (f) to \$125,000. This change would be made to conform with the changes to the Simplified Acquisition Threshold (SAT) value made under the National Defense Authorization Act for Fiscal Year 2018 (Pub. L. 115–91), which raised the SAT from \$150,000 to \$250,000. As a result of the SAT increase, U.S. firms are not required to place a priority rating on an order less than \$125,000 (one-half of the revised SAT of \$250,000), as this amount is greater than \$75,000. BIS posted a notice to its website notifying the public of the change in the SAT after it was raised by statute, but is making the change in the regulation itself with this update.

**Section 700.18—Limitations on placing rated orders.** This section would change the cross reference of section 700.41 found in paragraph (a)(2)(iii) and paragraph (a)(2)(iv)(B) to section 700.51, which is the correct cross reference. It would also make a non-substantive change by adding a comma after “expansion” in paragraph (a)(2)(iv)(A).

#### **Subpart E—Industrial Priorities for Energy Programs**

**Section 700.21—Application for priority rating authority.** This section would update the contact information for the Department of Energy.

#### **Subpart F—Allocations Actions**

**Section 700.31—General Procedures.** This section would make one non-substantive change in paragraph (f). “Allocations” would be made singular to instead state “allocation” to be consistent with the definition of “allocation order” in section 700.8.

**Section 700.33—Types of allocations orders.** This section would make one non-substantive change in the heading of this section and the first paragraph. “Allocations” would be made singular to instead state “allocation” to be consistent with the definition of “allocation order” in section 700.8.

**Section 700.34—Elements of an allocation order.** This section would make four non-substantive changes. In paragraph (a)(1), a comma would be added after “DO rated orders.” In paragraph (b)(1), the word “regulations” would be changed to “regulation” to be consistent with the use of the word when referencing 15 CFR part 700. In paragraph (c), “that gives” would be changed to “issued by.” In paragraph (c)(1), the word “regulations” would be changed to “regulation” to be consistent with the use of the word when referencing 15 CFR part 700.

#### **Subpart H—Special Priorities Assistance**

**Section 700.50—General Provisions.** This section would re-organize paragraph (a) to include two paragraphs in order to provide clarity as to when special priorities assistance should be sought from the DOC or the Delegate Agency. This section would change the word “can” to “may” in the first sentence of paragraph (b) to be consistent with the use of the word “may” in other sections of 15 CFR part 700. It would also change paragraph (c) to clarify special priorities assistance can be sought from the DOC to be consistent with other sections of 15 CFR part 700. This section would capitalize “appendix” in paragraph (c) as this word references Appendix I, a specific part of 15 CFR part 700. This section would also include a website reference to FORM BIS–999 in paragraph (c).

**Section 700.51—Requests for priority rating authority.** This section would add a new paragraph as paragraph (b) to clarify what a person should do if they do not have priority rating authority under this part and would like to request priority rating authority to be consistent with current practice and requirements under E.O. 13603. As a result of this additional paragraph, this section would change paragraph (b) to paragraph (c) and paragraph (c) to paragraph (d). This section would clarify how to request priority rating authority for production and construction equipment from Delegate Agencies and the DOC in paragraph (c)(1) to be consistent with the delegations issued to the Delegate Agencies. This section would include the phrase “or those authorized by the DOC to priority rate the prime contract”

in paragraph (d)(1) and would remove reference to the “Delegate Agency” in paragraph (d)(2) to take into account that sponsorship may be obtained from sources other than just the Delegate Agencies. This section would clarify in paragraph (d)(4) that “Commerce” is referencing the “Department of Commerce.”

**Section 700.52—Examples of assistance.** This section would emphasize in paragraph (a) that special priorities assistance is in support of an approved program and would insert cross references on how to request a determination from the appropriate Determination Department that a request is necessary or appropriate to promote the national defense, consistent with the DPA and E.O. 13603. This section would also add paragraph (3) to paragraph (a) to list another situation in which special priorities assistance is usually provided.

**Section 700.53—Criteria for assistance.** This section would add “Determination Department” to the list of agencies that require timely requests to be consistent with E.O. 13603.

**Section 700.54—Instances where assistance will not be provided.** This section would add “Determination Departments” in the list of agencies that have input on special priorities assistance requests to be consistent with E.O. 13603.

**Section 700.55—Homeland security, emergency preparedness, and critical infrastructure protection and restoration assistance programs within the United States.** This section would change the title of this section to “Requests for determination that program within the United States is necessary or appropriate to promote the national defense”. The information originally in this section would be made into a new paragraph (a). This section would clarify what types of requests should be submitted to the Federal Emergency Management Agency (FEMA) to be consistent with E.O. 13603. This section would update the contact information for FEMA’s Office of Policy and Program Analysis in paragraph (a). This section would create paragraph (b) to provide information on requesting a determination from the Department of Defense (DOD) to be consistent with E.O. 13603. Paragraph (c) would be created to provide information on requesting a determination from the Department of Energy (DOE).

**Section 700.56—Military assistance programs with Canada.** This section would update the contact information, including the name of the agency, for the Government of Canada. It would clarify in paragraph (g) that requests for

assistance in obtaining items in Canada must submit a request to the Office of Strategic Industries and Economic Security. This would provide clarity that while these requests may go through the Delegate Agency, it is not required.

**Section 700.57—Military assistance programs with other nations and international organizations.** This section would revise information regarding the list of countries that are signatory to a bilateral security of supply arrangement with the DOD in paragraphs (a) and (c). The revision would add Denmark, Israel, Japan, Latvia, and Norway to the list of countries that are signatory to a bilateral security of supply arrangement with the DOD. It would also provide the DOD website for up-to-date information on the security of supply arrangements, including the current list of foreign nations that are signatories to the bilateral security of supply arrangements with the DOD. This change is needed as the list of foreign nations that are signatories to bilateral security of supply arrangements with the DOD has updated to include Denmark, Israel, Japan, Latvia, and Norway, and it is expected that this list will continually be updated. This section would also update the DOD contact information in paragraph (b) and paragraph (c). This section would move the last sentence of paragraph (2) to a new paragraph (3) so that the information provided in this sentence is not lost as it is different from the information provided in paragraph (2).

**Section 700.58—Critical infrastructure assistance programs to foreign nations and international organizations.** This section would make a non-substantive change in paragraph (a) to add a comma after “for example.” It would update paragraph (b) by re-organizing the information into two paragraphs. This section would clarify in the new paragraph (b)(1) that requests for assistance should be submitted on Form BIS-999 to be consistent with other types of special priorities assistance requests. This section would clarify in the new paragraph (b)(2) what the request to FEMA is for to be consistent with E.O. 13603. It would also update the contact information for FEMA’s Office of Policy and Program Analysis.

#### **Subpart I—Official Actions**

**Section 700.61—Rating authorizations.** This section would clarify in paragraph (a)(1) that a rating authorization permits a person to place a priority rating on an order for an item which, for example, can include an item

not normally ratable under this regulation. This clarification would be consistent with the clarifications made in section 700.51 and section 700.52.

**Section 700.63—Letters of Understanding.** This section would change “which” to “that” in paragraph (a) as well as revise information in the parentheses to add “e.g.,” and remove “and” to clarify this is an example list of parties. It would also add “Determination Department” to the example list of parties.

#### **Subpart J—Compliance**

**Section 700.70—General provisions.** This section would remove specific penalties information for violating the DPA, and instead directly reference the penalties’ sections within the DPA.

**Section 700.71—Audits and investigations.** This section would make one non-substantive change to paragraph (a). A comma after “other writings” would be added.

**Section 700.74—Violations, penalties, and remedies.** This section would remove specific penalties information for violating the DPA in paragraph (a), and instead directly reference the penalties sections of the DPA. It would also change the word “Sections” in paragraph (a) to “sections” as this word references sections of the DPA, which begins with a lower case “s” throughout 15 CFR part 700. This section would change “also, for example” to “e.g.,” in paragraph (c) to be consistent with how 15 CFR part 700 refers to examples.

#### **Subpart K—Adjustments, Exceptions, and Appeals**

**Section 700.80—Adjustments or exceptions.** This section would make one non-substantive change to paragraph (c). The number “25” would be moved behind the word “twenty-five” and put in parentheses, and the parentheses would be removed around the word “twenty-five”. This proposed change is to be consistent with other sections of 15 CFR part 700.

**Section 700.81—Appeals.** This section would make one non-substantive change to paragraph (b). In both sentences, the number “45” would be put in parentheses and the word “forty-five” would be added. This proposed change is to be consistent with other sections of 15 CFR part 700.

#### **Subpart L—Miscellaneous Provisions**

**Section 700.93—Communications.** This section would make one non-substantive change by moving “and” to after “explanatory information.” It would add the address of the Office of Strategic Industries and Economic Security. It would also add “special” in

front of “priorities assistance” in the last paragraph to be consistent with this part.

#### **Schedule I to Part 700—Approved Programs and Delegate Agencies**

This section would revise the first paragraph to clarify that Schedule I is a list of approved programs, which is a defined term in section 700.8. A sentence would be added that also clarifies that use of the authority under 15 CFR part 700 requires written authorization by the DOC to be consistent with other sections of 15 CFR part 700. It would also move footnote 2 to the end of the first paragraph and adds a cross reference to section 700.50 for additional information.

This section would update the description of the “A2” program identification symbol from “Missile” to “Missile and Space” in Schedule I in order to be consistent with DOD’s program determination that the approved program that uses the “A2” program identification symbol includes both Missile and Space programs.

This section would remove the “C1” program identification symbol for food resources in Schedule I as “food resources (combat rations)” now falls under the jurisdiction of the Department of Agriculture’s (USDA) Agriculture Priorities and Allocation System (APAS) regulation (7 CFR part 789). Although items that fell under this program identification symbol were always food resources, the authority for which has always been delegated to USDA under E.O. 13603 and its predecessors, USDA did not have a published regulation to enact that delegated authority. Therefore, under an agreement between USDA and the DOC, DOD was permitted to place ratings using the “C1” symbol for combat rations using the DPAS. However, in 2015, USDA published the APAS regulation and DOD now uses that authority to place priority ratings on combat rations, and no longer uses the previous agreement to rate them under the DPAS.

This section would update the description of the “J1” program identification symbol to “Co-Production Programs” in Schedule I to reflect DOD’s update to the approved program. DOD made a program determination under E.O. 13603 to expand the approved program that uses the “J1” program identification symbol from “F-16 Co-Production Program” to “Co-Production Programs.” This change expands DOD’s use of this program identification symbol to other programs outside of the F-16 program.

This section would also make a non-substantive change to the description of

the “H1” program identification symbol to change “section” to the symbol.

This section would update the description of the “N8” program identification symbol in Schedule I from “Miscellaneous” to “Continuity of Government” in order to clarify DHS’s program determination is for Continuity of Government-related programs.

This section would also add an “Other Programs” section to Schedule I, which includes the program identification symbols for national defense programs administered by other departments but that might, in some instances, need industrial resources that are under the jurisdiction of the DPAS. BIS proposes making these revisions to Schedule I to help provide transparency and ease between other departments’ priorities authority and the DOC’s priorities authority when a Delegate Agency needs industrial resources to implement any approved program related to other resources (*i.e.*, food resources, energy resources, health resources, civil transportation, or water resources) subject to other departments’ priorities authority and authorized for priorities support by the appropriate department.

Four departments are administering priorities and allocations regulations similar to the DPAS for resources under their jurisdictions as outlined in E.O. 13603. Those departments and the resources under their jurisdiction are: USDA, food resources; DOE, energy resources; the Department of Health and Human Services (HHS), health resources; and the Department of Transportation (DOT), civil transportation. Persons placing priority ratings on contracts and orders pursuant to those systems may need industrial resources that are subject to DPAS in support of those contracts or orders. For example, spare tires or engine parts (industrial resources under DPAS jurisdiction) might be needed to support a contract to provide civil transportation resources.

In administering the DPAS, BIS has noted that the Departments of Defense, Energy, Homeland Security, and Health and Human Services and the General Services Administration are the U.S. Government agencies that most frequently procure industrial resources needed to implement approved national defense programs. Accordingly, BIS has delegated to those five agencies certain DPAS authority to place priority ratings on contracts and orders for industrial resources in support of approved national defense programs (Delegate Agencies). BIS expects that those five agencies are also likely to be the agencies that most frequently procure

any industrial resources that may be needed to implement any future approved programs related to food resources, energy resources, health resources, civil transportation, and water resources.

Considering these facts and to assist in developing “a consistent and unified Federal priorities and allocations system” as called for by Section 101(d)(2) of the DPA, BIS, as part of those delegations, has authorized these Delegate Agencies to place priority ratings on contracts and orders for industrial resources needed to implement any program related to food resources, energy resources, health resources, civil transportation, or water resources determined as necessary or appropriate to promote the national defense and authorized for priorities support by the appropriate resource agency (*i.e.*, Departments of Agriculture, Energy, Health and Human Services, and Transportation). Therefore, Delegate Agencies are authorized to use the same program identification symbol on such contracts and orders for industrial resources as authorized by the appropriate resource agency to support the approved program. However, any priority rated contract or order for industrial resources placed to implement an approved program related to food resources, energy resources, health resources, civil transportation, or water resources remains subject to the DPAS. The addition of the second paragraph before the Schedule I and the “Other Programs” section within Schedule I reflects this delegated authority.

#### **Defense Production Act of 1950, as Amended**

On September 8, 1950, the President signed the Defense Production Act of 1950 (DPA), as amended into law. Title VII of the DPA includes a sunset clause for the majority of the DPA authorities which require periodic reauthorization. On August 13, 2018, the President signed the John S. McCain National Defense Authorization Act for Fiscal Year 2019 into law, which reauthorized the DPA, 50 U.S.C. 4501 *et seq.*, through September 30, 2025. The DPA provides the legal basis for BIS’s principal authorities and serves as the authority under which BIS issues this proposed rule.

#### **Expected Impact of the Proposed Rule**

BIS believes this rule merely provides clarifications and transparency to Federal, state, local, tribal, and territorial government agencies, foreign governments, and the public to ensure ease of understanding and

implementation of established procedures and would not have a significant economic impact on government agencies or the public.

The administrative changes proposed are for ease, clarity, and transparency of the existing standards and procedures used to authorize and require priority performance of certain contracts or orders that promote the national defense over other contracts and orders.

The amendments proposed provide technical, non-substantive administrative changes to ensure consistency with the Defense Production Act of 1950 (DPA) and E.O. 13603; provide clarity on procedures for the placement, acceptance, and performance of the Defense Priorities and Allocations System (DPAS) priority rated orders; and provide transparency to the process for parties to request SPA.

The standards and process under which a rated order is authorized, placed, or performed on would not be changed. There are no proposed modifications to the procedures for the placement, acceptance, and performance of rated orders or for the allocation of materials, services, and facilities. Firms would not be required to reduce the total volume of orders, or require the recipient of a rated order to reduce prices or provide rated orders with more favorable terms than comparable unrated orders. Nor to the changes proposed amend the requirements or procedures for requesting Special Priorities Assistance (SPA).

#### **Rulemaking Requirements**

1. This rule has been determined to be a significant regulatory action for purposes of Executive Order (E.O.) 12866.

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. With this rule, BIS is proposing changes to an existing approved information collection, *Request for Special Priorities Assistance* (OMB Control Number 0694–0057) which will be updated to reflect the changes discussed.

This collection currently carries a burden estimate of 30 minutes for an electronic submission for a total burden estimate of 22 hours. BIS believes the total burden hours are not expected to materially increase as a result of this

rule. The current version of this collection—including all background materials—can be found at <https://www.reginfo.gov/public/do/PRAMain> by using the search function to enter either the title of the collection or the OMB Control Number. BIS is proposing changes to the form as discussed below.

The citation in the top paragraph would be updated from “50 U.S.C. App. 4455(d)” to “50 U.S.C. 4555(d).”

Block 1.a would be updated to include a field for country. BIS can currently receive applications from persons located outside of the United States. This proposed change would insert a field for an Applicant to provide the country in which the Applicant resides.

Block 1.b would be updated to include a field for country and an email address. This proposed change would insert a field for an Applicant customer, if not an end-user Government agency, to provide the country in which the Applicant customer resides as well as an email address for the Applicant customer.

Block 3 would be updated to include “manufacturer” as part of the description of the item. This proposed change is needed when the item the Applicant is requiring assistance with is not manufactured by the Applicant’s supplier listed in Block 4.a. This may occur, for example, if an Applicant is procuring the item through a distributor.

Block 4.a is updated to include a field for the country of the applicant’s supplier. Applicants may procure items that they need assistance with through foreign suppliers. For example, foreign applicants may request assistance with an item manufactured in the United States that they acquire through a foreign distributor. If an applicant is requesting DPAS rating authority, BIS requires the country information of the supplier listed in Block 4.a to ensure that the appropriate entities are authorized to place priority rated contracts and orders with suppliers physically located in the United States.

Block 8 would be updated to remove the information listed in the parentheses now that electronic signatures are available.

Block 9.g would be updated to remove specific references to the Department of Defense or foreign requests to allow for flexibility for each Determination Department request process.

Page 3 of Form BIS–999 titled, “INSTRUCTIONS FOR SUBMITTING FORM BIS–999” would be updated for ease of understanding and consistency with 15 CFR part 700, including the changes made by this proposed rule, and the delegations to the Delegate

Agencies from the Department of Commerce. The Office of Strategic Industries and Economic Security’s email address is also added as an option on how to submit Form BIS–999.

#### A. Public Reporting Burden

Public reporting burden specific to this proposed rule and the revision to collection of information previously approved is voluntary and includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

*Respondents:* 22.

*Responses per Respondent:* 1.

*Total Responses:* 22.

*Hours per Response:* 30 minutes.

*Total Burden Hours:* 11.

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate and based on valid assumptions and methodology; and ways to enhance the quality, utility, and clarity of the information to be collected.

Requesters may obtain a copy of the information collection documents from Mark Crace at [Mark.Crace@bis.doc.gov](mailto:Mark.Crace@bis.doc.gov). Please cite “Information Collection 0694–0057, in all correspondence.

3. These proposed changes do not contain policies with federalism implications as that term is defined in E.O. 13132.

4. The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.*, generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to the notice and comment rulemaking requirements under the Administrative Procedure Act (5 U.S.C. 553) or any other statute. Under section 605(b) of the RFA, however, if the head of an agency certifies that a rule will not have a significant impact on a substantial number of small entities, the statute does not require the agency to prepare a regulatory flexibility analysis. Pursuant to section 605(b), the Chief Counsel for Regulation, Department of Commerce, certified to the Chief Counsel for Regulation, Small Business Administration that this proposed rule will not have a significant impact on a substantial number of small entities for the reasons explained below. No other law requires such an analysis. Consequently, no regulatory flexibility analysis is required, and none has been

prepared. The factual support for this certification is provided below.

#### Number of Small Entities

Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of this proposed rule on small entities, a small business, as described in the Small Business Administration’s Table of Small Business Size Standards Matched to North American Industry Classification System Codes (Effective March 17, 2023), has a maximum annual revenue of \$47 million and a maximum of 1,500 employees (for some business categories, these numbers are lower). A small governmental jurisdiction is a government of a city, town, school district or special district with a population of less than 50,000. A small organization is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

This proposed rule would make non-substantive changes to clarify well-established standards and procedures under which BIS (or agencies to which BIS delegates authority) would authorize prioritization of certain orders or contracts as well as criteria under which BIS would issue orders allocating resources or production facilities. This proposed rule does not amend requirements for organizations that enter into contracts to supply materials, services and facilities that are necessary or appropriate for the national defense. Rather, this proposed rule would provide transparency to organizations on the DPAS to ensure ease of understanding and implementation of established processes.

BIS’s experience in administering its priorities authority indicates that for-profit businesses are the organizations that provide materials, services, and facilities necessary or appropriate to promote the national defense. If it becomes necessary to exercise allocations authority, the same types of materials, services, and facilities and the same types of businesses are the ones likely to be affected. Therefore, BIS believes that two of the categories of small entities identified by the RFA, small organizations and small government jurisdictions, are unlikely to experience any economic impact as a result of this proposed rule. However, BIS has no basis on which to estimate the number of small businesses that are likely to be affected by this proposed rule.

## Impact

BIS believes that any impact that this proposed rule might have on small businesses would be minor. This proposed rule would not change the processes for the placement, acceptance, and performance of rated orders or for the allocation of materials, services, and facilities. Nor does this proposed rule change the procedures to request special priorities assistance. BIS expects that this proposed rule would not result in any increase in the use of rated orders. The standards under which a rated order would be issued are not changed by this proposed rule. Rather, this proposed rule provides simplifications and clarifications to the placement, acceptance, and performance of rated orders and the SPA process to ensure ease of understanding and implementation of established procedures.

Further, although rated orders could require a firm to fill one order prior to filling another, they would not require a reduction in the total volume of orders, nor would they require the recipient to reduce prices or provide rated orders with more favorable terms than a similar non-rated order. Under these circumstances, the economic effects on the rated order recipient of substituting one order for another are likely to be offsetting, resulting in no net loss.

## Conclusion

Although BIS cannot determine precisely the number of small entities that would be affected by this proposed rule, BIS believes that the overall impact on such entities would not be significant as this proposed rule would provide administrative changes to well-established standards and procedures. Consequently, this proposed rule would not likely increase the number of rated contracts and orders compared to the number being placed currently. BIS believes that the expected unchanged level of contract and order prioritizations, planning and review requirements and requirements of section 701 of the DPA, which are directed at protecting the interests of small businesses, provide reasonable assurance that any impact on small business will not be significant. For the reasons set forth above, the Chief Counsel for Regulations at the Department of Commerce certified that this action would not have a significant impact on a substantial number of small entities.

## List of Subjects in 15 CFR Part 700

Administrative practice and procedure, Business and industry, Government contracts, National defense, Reporting and recordkeeping requirements, Strategic and critical materials.

Accordingly, 15 CFR part 700 of the DPAS regulation, proposes to amend as follows:

### PART 700—DEFENSE PRIORITIES AND ALLOCATIONS SYSTEM

- 1. The authority citation for 15 CFR part 700 continues to read as follows:

**Authority:** 50 U.S.C. 4501 *et seq.*; 42 U.S.C. 5195, *et seq.*; 50 U.S.C. 3816; 10 U.S.C. 2538; 50 U.S.C. 82; E.O. 12656, 53 FR 226, 3 CFR, 1988 Comp., p. 585; E.O. 12742, 56 FR 1079, 3 CFR, 1991 Comp., p. 309; E.O. 13603, 77 FR 16651, 3 CFR, 2012 Comp., p. 225.

- 2. Section 700.1 is amended by revising the second and third sentences to read as follows:

#### § 700.1 Purpose of this part.

\* \* \* The DPAS implements the priorities and allocations authority of the Defense Production Act (50 U.S.C. 4501 *et seq.*), delegated to the Department of Commerce under Executive Order 13603, including use of that authority to support emergency preparedness activities pursuant to Title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), and the priorities authority of the Selective Service Act and related statutes, all with respect to industrial resources. The DPAS establishes procedures for the placement, acceptance, and performance of priority rated contracts and orders (other than contracts of employment) and for the allocation of materials, services, and facilities for approved programs. \* \* \*

- 3. Revise section 700.2 to read as follows:

#### § 700.2 Introduction.

(a) Certain national defense and energy programs (including military, emergency preparedness, homeland security, and critical infrastructure protection and restoration activities) may be eligible for priorities and allocations support as determined by a Determination Department.

(b) The Department of Commerce administers the DPAS and may exercise priorities and allocations authority to ensure the timely delivery of industrial resources to meet approved program requirements.

(c) The Department of Commerce has delegated authority to place priority

ratings on contracts or orders necessary or appropriate to promote the national defense to certain government agencies that issue such contracts or orders. Such delegations include authority to authorize recipients of rated orders to place ratings on contracts or orders to contractors, subcontractors, and suppliers. Schedule I to this part includes a list of agencies to which the Department of Commerce has delegated authority. The Department of Commerce is also listed as an agency for programs where its authorization is necessary to place rated orders.

- 4. Section 700.3 is amended by revising paragraphs (a) and (d) to read as follows:

#### § 700.3 Priority ratings and rated orders.

(a) Rated orders are identified by a priority rating, which consists of a rating symbol (DO or DX), and a program identification symbol. Rated orders take precedence over all unrated orders as necessary to meet required delivery dates. Rating symbols indicate the level of priority. Among rated orders, DX rated orders take precedence over DO rated orders. Program identification symbols indicate which approved program is attributed to the rated order.

\* \* \* \* \*

(d) Persons who receive rated orders must in turn place rated orders with their suppliers for the industrial resources they need to fill the orders. This provision ensures that suppliers will give priority treatment to rated orders from contractor to subcontractor to suppliers throughout the procurement chain.

\* \* \* \* \*

- 5. Section 700.8 is amended by
  - a. Adding in alphabetical order the definitions of “Determination Department”, “Facilities”, “Materials”, “Resource Department”, and “Services”;
  - b. Revising the definitions of “Approved program”, “Defense Production Act”, “Industrial resources”, “National defense”, “Official action”, “Priorities authority”, “Priority rating”, “Selective Service Act”, and “Stafford Act”; and
  - c. Removing the definition of “Item”.

Revisions and additions read as follows:

#### § 700.8 Definitions.

\* \* \* \* \*

**Approved program.** A program determined in writing as necessary or appropriate for priorities and allocations support to promote the national defense by the Secretary of Defense, the Secretary of Energy, or the Secretary of

Homeland Security, under the authority of the Defense Production Act and Executive Order 13603, or the Selective Service Act and Executive Order 12742.

*Defense Production Act.* The Defense Production Act of 1950, as amended (50 U.S.C. 4501 *et seq.*).

*Determination Department.* Any of the three Federal departments whose head is delegated authority by the President under section 202 of Executive Order 13603 to determine in writing that a program is necessary or appropriate to promote the national defense (referred to as “approved program”):

(1) The Secretary of Defense with respect to military production and construction, military assistance to foreign nations, military use of civil transportation, stockpiles managed by the Department of Defense, space, and directly related activities;

(2) The Secretary of Energy with respect to energy production and construction, distribution and use, and directly related activities; and

(3) The Secretary of Homeland Security with respect to all other national defense programs, including civil defense and continuity of Government.

*Facilities.* The term “facilities” includes all types of buildings, structures, or other improvements to real property (but excluding farms, churches or other houses of worship, and private dwelling houses), and services relating to the use of any such building, structure, or other improvement.

*Industrial resources.* All materials, services, and facilities, including construction materials, the authority for which has not been delegated to other agencies under Executive Order 13603. This term may also be referred to as “item” in this part.

*Materials.* Includes:

(1) Any raw materials (including minerals, metals, and advanced processed materials), commodities, articles, components (including critical components), products, and items of supply; and

(2) Any technical information or services ancillary to the use of any such materials, commodities, articles, components, products, or items.

*National defense.* Programs for military and energy production or construction, military or critical infrastructure assistance to any foreign

nation, homeland security, stockpiling, space, and any directly related activity. Such term includes emergency preparedness activities conducted pursuant to Title VI of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*) and critical infrastructure protection and restoration.

*Official action.* An action taken by the Department of Commerce under the authority of the Defense Production Act, the Selective Service Act and related statutes, and this part. Such actions include the issuance of rating authorizations, directives, letters of understanding, demands for information, inspection authorizations, administrative subpoenas, and allocation orders.

*Priorities authority.* The authority of the Department of Commerce, pursuant to section 101 of the Defense Production Act, to require priority performance of contracts and orders (other than contracts of employment) for industrial resources for use in approved programs.

*Priority rating.* An identifying code, consisting of the rating symbol and the program identification symbol, assigned by the Department of Commerce, a Delegate Agency, or authorized person and placed on all rated orders.

*Resource Department.* Any of the six Federal departments whose head is delegated authority by the President under section 201 of Executive Order 13603 to require acceptance and priority performance of contracts or orders (other than contracts of employment) to promote the national defense over performance of any other contracts or orders, and to allocate materials, services, and facilities as deemed necessary or appropriate to promote the national defense (referred to as “approved program”):

(1) The Secretary of Agriculture with respect to food resources, food resource facilities, livestock resources, veterinary resources, plant health resources, and the domestic distribution of farm equipment and commercial fertilizer;

(2) The Secretary of Energy with respect to all forms of energy;

(3) The Secretary of Health and Human Services with respect to health resources;

(4) The Secretary of Transportation with respect to all forms of civil transportation;

(5) The Secretary of Defense with respect to water resources; and

(6) The Secretary of Commerce with respect to all other materials, services, and facilities, including construction

materials (referred to as “industrial resources”).

*Services.* Includes any effort that is needed for or incidental to:

(1) The development, production, processing, distribution, delivery, or use of an industrial resource or a critical technology item;

(2) The construction of facilities; or

(3) Other national defense programs and activities.

*Selective Service Act.* Section 18 of the Selective Service Act of 1948 (50 U.S.C. 3816).

*Stafford Act.* Title VI (Emergency Preparedness) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121 *et seq.*).

■ 6. Section 700.10 is amended by revising the last sentence in paragraph (c)(1) to read as follows:

**§ 700.10 Authority.**

(c) *Jurisdiction limitations.*

(1) Unless otherwise agreed to by the concerned agencies, the provisions of this part are not applicable to:

■ 7. Section 700.11 is amended by revising paragraph (a)(1), the second and third sentences of paragraph (b), and the first sentence of paragraph (c) to read as follows:

**§ 700.11 Priority ratings.**

(a) *Levels of priority.*

(1) There are two levels of priority established by this regulation, identified by the rating symbols “DO” and “DX.”

(b) The list of approved programs and their identification symbols is found in schedule I to this part. For example, A1 identifies defense aircraft programs and A7 signifies defense electronic and communications equipment programs.

(c) *Priority ratings.* A priority rating consists of the rating symbol—DO and DX—and the program identification symbol, such as A1, A7, or N1.

■ 8. Section 700.12 is amended by revising paragraphs (a)(1) and (a)(4) to read as follows:

**§ 700.12 Elements of a rated order.**

(a) \*

(1) The appropriate priority rating and program identification symbol (e.g., DO–A1, DX–A2, DO–N1).

(4) A statement that reads in substance: “This is a rated order

certified for national defense use and you are required to follow all the provisions of the Defense Priorities and Allocations System regulation (15 CFR part 700).”

\* \* \* \* \*

■ 9. Section 700.13 is amended by revising paragraphs (c)(5) and (d)(3) to read as follows:

**§ 700.13 Acceptance and rejection of rated orders.**

\* \* \* \* \*

(c) \* \* \*

(5) If acceptance of a rated order or performance against a rated order would violate any other regulation, official action, or order of the Department of Commerce issued under the authority of the Defense Production Act or the Selective Service Act and related statutes (see § 700.75).

(d) \* \* \*

(3) If a person has accepted a rated order and subsequently finds that shipment or performance will be delayed, the person must notify the customer immediately, give the reasons for the delay, and advise of a new shipment or performance date. If notification is given verbally, written (hard copy) or electronic confirmation must be provided within one (1) working day of the verbal notice.

■ 10. Section 700.14 is amended by revising the second sentence in “Examples” to paragraph (b) to read as follows:

**§ 700.14 Preferential Scheduling.**

\* \* \* \* \*

(b) \* \* \*

*Examples:*

\* \* \* If a DX rated order is received calling for delivery on July 15 and a person has a DO rated order requiring delivery on June 3 and operations can be scheduled to meet both deliveries, there is no need to alter production schedules to give any additional preference to the DX rated order. \* \* \*

\* \* \* \* \*

■ 11. Revise Section 700.15 to read as follows:

**§ 700.15 Extension of priority ratings.**

(a) A person must use rated orders with suppliers to obtain industrial resources needed to fill a rated order. All elements of a rated order outlined in section 700.12 must be included on the rated order. The person must use the priority rating indicated on the customer’s rated order, except as otherwise provided in this part (see § 700.17) or as directed by the Department of Commerce.

*Example:*

If a person is in receipt of a rated order with a priority rating of DO–A3

for a navigation system and needs to purchase semiconductors for its manufacture, that person must use a DO–A3 priority rating to obtain the needed semiconductors.

(b) The required elements of a rated order outlined in section 700.12 must be included on each successive order placed to obtain industrial resources needed to fill a customer’s rated order. Therefore, the inclusion of the rating will continue from contractor to subcontractor to supplier throughout the entire supply chain.

(c) A person must use rated orders with suppliers to obtain industrial resources needed to fill an emergency preparedness rated order. That person must require acceptance or rejection, and transmission of that acceptance or rejection by the supplier within the time limit stated in the rated order that is being filled.

■ 12. Section 700.16 is amended by revising paragraph (b) to read as follows:

**§ 700.16 Changes or cancellations of priority ratings and rated orders.**

\* \* \* \* \*

(b) If an unrated order is amended so as to make it a rated order, or a DO rating is changed to a DX rating, the supplier must give the appropriate preferential treatment to the order as of the date the change is received by the supplier.

\* \* \* \* \*

■ 13. Section 700.17 is amended by revising paragraphs (a)(4), (b)(1), (d)(1)(ii), and (f) to read as follows:

**§ 700.17 Use of rated orders.**

(a) \* \* \*

(4) MRO needed to produce the finished items to fill rated orders. However, for MRO, the priority rating used must contain the program identification symbol H7 along with the rating symbol contained on the customer’s rated order. For example, a person in receipt of a rated order with a priority rating of DO–A3 rated order, who needs MRO, would place a rated order with a priority rating of DO–H7 rated order with the person’s supplier.

(b) \* \* \*

(1) The order must be placed within ninety (90) days of the date of use of the inventory.

\* \* \* \* \*

(d) \* \* \*

(1) \* \* \*

(ii) The elements of a rated order, as required by § 700.12, are included on the order with the statement required in § 700.12(a)(4) modified to read in substance: “This purchase order contains rated order quantities certified for national defense use, and you are

required to follow all the provisions of the Defense Priorities and Allocations System regulation (15 CFR part 700) as it pertains to the rated quantities.”

\* \* \* \* \*

(f) A person is not required to place a priority rating on an order for less than \$125,000, or one half of the Simplified Acquisition Threshold (as established in the Federal Acquisition Regulation (FAR)) (see FAR section 2.101), whichever amount is greater, provided that delivery can be obtained in a timely fashion without the use of the priority rating.

■ 14. Section 700.18 is amended by revising paragraphs (a)(2)(iii), (a)(2)(iv)(A), and (a)(2)(iv)(B) to read as follows:

**§ 700.18 Limitations on placing rated orders.**

(a) \* \* \*

(2) \* \* \*

(iii) Items in advance of the receipt of a rated order, except as specifically authorized by the Department of Commerce (see § 700.51(c) for information on obtaining authorization for a priority rating in advance of a rated order); or

(iv) \* \* \*

(A) Items for plant improvement, expansion, or construction, unless they will be physically incorporated into a construction project covered by a rated order; or

(B) Production or construction equipment or items to be used for the manufacture of production equipment (for information on requesting priority rating authority, see § 700.51).

\* \* \* \* \*

■ 15. Section 700.21 is amended by revising the last sentence of paragraph (a) to read as follows:

**§ 700.21 Application for priority rating authority.**

(a) \* \* \* Further information may be obtained from the Department of Energy, Office of Cybersecurity, Energy Security, and Emergency Response, 1000 Independence Avenue SW, Washington, DC 20585; Telephone: (202) 586–8100; Email: [askcr@hq.doe.gov](mailto:askcr@hq.doe.gov).

\* \* \* \* \*

■ 16. Section 700.31 is amended by revising paragraph (f) to read as follows:

**§ 700.31 General procedures.**

\* \* \* \* \*

(f) A detailed description of the provisions that will be included in the allocation orders, including the type(s) of allocation orders, the percentages or quantity of capacity or output to be allocated for each purpose, the



relationship with previously or subsequently received priority rated and unrated contracts and orders, and the duration of the allocation action (e.g., anticipated start and end dates);

\* \* \* \* \*

■ 17. Section 700.33 is amended by revising the section heading and introductory text to read as follows:

**§ 700.33 Types of allocation orders.**

There are three types of allocation orders available for communicating allocation actions.

\* \* \* \* \*

■ 18. Section 700.34 is amended by revising paragraphs (a)(1), (b)(1), (c) introductory text, and (c)(1) to read as follows:

**§ 700.34 Elements of an allocation order.**

\* \* \* \* \*

(a) \* \* \*

(1) A detailed description of the required allocation action(s), including its relationship to previously or subsequently received DX rated orders, DO rated orders, and unrated orders.

\* \* \* \* \*

(b) \* \* \*

(1) A statement that reads in substance: “This is an allocation order certified for national defense use. [Insert the name of the person receiving the order] is required to comply with this order, in accordance with the provisions of the Defense Priorities and Allocations System regulation (15 CFR part 700).”

\* \* \* \* \*

(c) *Elements to be included in an allocation order issued by constructive notice through publication in the Federal Register.*

(1) A statement that reads in substance: “This is an allocation order certified for national defense use. [Insert the name(s) of the person(s) to whom the order applies or a description of the class of persons to whom the order applies] is (are) required to comply with this order, in accordance with the provisions of the Defense Priorities and Allocations System regulation (15 CFR part 700).”

\* \* \* \* \*

■ 19. Revise section 700.50 to read as follows:

**§ 700.50 General provisions.**

(a) Once a priority rating has been authorized pursuant to this part, further action by the Department of Commerce generally is not needed. However, it is anticipated that from time-to-time problems will occur. In this event, a person should immediately contact the appropriate contract administration officer or the Department of Commerce

for guidance or assistance. Special priorities assistance is a service provided to alleviate problems that do arise.

(1) If additional formal aid is needed for a rated order placed by a Delegate Agency, special priorities assistance should be sought from the Delegate Agency through the contract administration officer. If the Delegate Agency is unable to resolve the problem or to authorize the use of a priority rating and believes additional assistance is warranted, the Delegate Agency may forward the request to the Department of Commerce for action.

(2) If additional formal aid is needed for a rated order placed by other authorized persons, special priorities assistance should be sought from the Department of Commerce.

(b) Special priorities assistance may be provided for any reason consistent with this part, such as assisting in obtaining timely deliveries of items needed to satisfy rated orders or authorizing the use of priority ratings on orders to obtain items not otherwise ratable under this part. If the Department of Commerce is unable to resolve the problem or to authorize the use of a priority rating and believes additional assistance is warranted, the Department of Commerce may forward the request to another agency, identified in § 700.10(c), as appropriate, for action.

(c) A request for special priorities assistance must be submitted on Form BIS–999 (OMB control number 0694–0057) to the local contract administration representative or to the Department of Commerce. Form BIS–999 may be obtained from the Delegate Agency representative or from the Department of Commerce. A sample Form BIS–999 is attached at Appendix I. A fillable Form BIS–999 may be obtained on the following website: <https://www.bis.doc.gov/>.

■ 20. Revise 700.51 to read as follows:

**§ 700.51 Requests for priority rating authority.**

(a) If a rated order is likely to be delayed because a person is unable to obtain items not normally rated under this part, the person may request the authority to use a priority rating in ordering the needed items. Examples of items for which priority ratings may be authorized include:

- (1) Production or construction equipment;
- (2) Computers when not used as production items; and
- (3) Expansion, rebuilding or replacing plant facilities.

(b) If a person does not have priority rating authority under this part from a

Delegate Agency or the Department of Commerce and is unable to ensure the timely delivery of industrial resources, the person may request the authority to use a priority rating in ordering the needed items.

(1) A request for priority rating authority under this part must be submitted on Form BIS–999 to the Department of Commerce (see § 700.50(c) for information on Form BIS–999).

(2) A request for priority rating authority under this part may be used only to support approved programs (see § 700.55, § 700.57, and § 700.58 for information on requesting a determination by the appropriate Determination Department that the request supports a program that is necessary or appropriate to promote the national defense).

(c) *Rating authority for production or construction equipment.*

(1) A request for priority rating authority for production or construction equipment must be submitted to the appropriate Delegate Agency or the Department of Commerce. Requests in support of Department of Defense approved programs should be submitted to the Department of Defense on Department of Defense Form DD 691. All other requests should be submitted on Form BIS–999. If the Delegate Agency is unable to resolve the problem or authorize the use of a priority rating, the Delegate Agency may forward the request to the Department of Commerce for action.

(2) When the use of a priority rating is authorized for the procurement of production or construction equipment, a rated order may be used either to purchase or to lease such equipment. However, in the latter case, the equipment may be leased only from a person engaged in the business of leasing such equipment or from a person willing to lease rather than sell.

(d) *Rating authority in advance of a rated prime contract.*

(1) In certain cases and upon specific request, the Department of Commerce, in order to promote the national defense, may authorize a person to place a priority rating on an order to a supplier in advance of the issuance of a rated prime contract. In these instances, the person requesting advance rating authority must obtain sponsorship of the request from the appropriate Delegate Agency or those authorized by the Department of Commerce to priority rate the prime contract. The person shall also assume any business risk associated with the placing of rated orders if these orders

have to be cancelled in the event the rated prime contract is not issued.

(2) The person must state the following in the request:

It is understood that the authorization of a priority rating in advance of our receiving a rated prime contract and our use of that priority rating with our suppliers in no way commits the Department of Commerce or any other government agency to enter into a contract or order or to expend funds. Further, we understand that the Federal Government shall not be liable for any cancellation charges, termination costs, or other damages that may accrue if a rated prime contract is not eventually placed and, as a result, we must subsequently cancel orders placed with the use of the priority rating authorized as a result of this request.

(3) In reviewing requests for rating authority in advance of a rated prime contract, the Department of Commerce will consider, among other things, the following criteria:

- (i) The probability that the prime contract will be awarded;
  - (ii) The impact of the resulting rated orders on suppliers and on other authorized programs;
  - (iii) Whether the contractor is the sole source;
  - (iv) Whether the item being produced has a long lead time; and
  - (v) The time period for which the rating is being requested.
- (4) The Department of Commerce may require periodic reports on the use of the rating authority granted under paragraph (c) of this section.
- (5) If a rated prime contract is not issued, the person shall promptly notify all suppliers who have received rated orders pursuant to the advanced rating authority that the priority rating on those orders is cancelled.
- 21. Section 700.52 is amended by revising paragraph (a) and adding new paragraph (a)(3) to read as follows:

**§ 700.52 Examples of assistance.**

(a) While special priorities assistance may be provided for any reason in support of this regulation and an approved program (see § 700.55, § 700.57, § 700.58, and Schedule I of this part), it is usually provided in situations where:

- (1) A person is experiencing difficulty in obtaining delivery against a rated order by the required delivery date;
- (2) A person cannot locate a supplier for an item needed to fill a rated order; or
- (3) A person is experiencing difficulty in obtaining delivery for an unrated order by the required delivery date.

\* \* \* \* \*

■ 22. Amend section 700.53 by revising the introductory text to read as follows:

**§ 700.53 Criteria for assistance.**

Requests for special priorities assistance should be timely, *i.e.*, the request has been submitted promptly and enough time exists for the Determination Department, Delegate Agency, or the Department of Commerce to effect a meaningful resolution to the problem, and must establish that:

\* \* \* \* \*

■ 23. Amend section 700.54 by revising the first sentence of the introductory text to read as follows:

**§ 700.54 Instances where assistance will not be provided.**

Special priorities assistance is provided at the discretion of the Determination Departments, Delegate Agencies, and the Department of Commerce when it is determined that such assistance is warranted to meet the objectives of this regulation. \* \* \*

\* \* \* \* \*

■ 24. Revise section 700.55 to read as follows:

**§ 700.55 Requests for determination that program within the United States is necessary or appropriate to promote the national defense.**

(a) *Homeland security, emergency response, and critical infrastructure protection and restoration assistance programs within the United States.* Any person requesting priority rating authority or requiring assistance in obtaining rated items under this part supporting homeland security, emergency preparedness, and critical infrastructure protection and restoration related activities should submit a request for a determination in writing that the request supports a program that is necessary or appropriate to promote the national defense (referred to as “approved program”) to the Office of Policy and Program Analysis, Federal Emergency Management Agency, Department of Homeland Security, 500 C Street SW, Washington, DC 20472; Telephone: (202) 212–2900; Fax: (202) 646–4601; Email: [FEMA-DPA@fema.dhs.gov](mailto:FEMA-DPA@fema.dhs.gov), website: <https://www.fema.gov/disaster/defense-production-act>.

(b) *Military production and construction, military use of civil transportation, stockpiles managed by the Department of Defense, space, and directly related activities within the United States.* Any person requesting priority rating authority or requiring assistance under this part in obtaining rated items supporting military production and construction, military

use of civil transportation, stockpiles managed by the Department of Defense, space, and directly related activities should submit a request for a determination in writing that the request supports a program that is necessary or appropriate to promote the national defense (referred to as “approved program”) to the Department of Defense DPA Title I Lead in the Office of the Assistant Secretary of Defense for Industrial Base Policy, 3330 Defense Pentagon, Room 3B854, Washington, DC 20301; Telephone: (703) 697–0051; Fax: (703) 695–4885; Email: [osd.pentagon.ousd-a-s.mbx.indpol-dpa-title-i@mail.mil](mailto:osd.pentagon.ousd-a-s.mbx.indpol-dpa-title-i@mail.mil); website: <https://www.businessdefense.gov/>.

(c) *Energy production and construction, distribution and use, and directly related activities within the United States.* Any person requesting priority rating authority or requiring assistance under this part in obtaining rated items supporting energy production and construction, distribution and use, and directly related activities should submit a request for a determination in writing that the request supports a program that is necessary or appropriate to promote the national defense (referred to as “approved program”) to the Department of Energy, Office of Cybersecurity, Energy Security, and Emergency Response, 1000 Independence Avenue SW, Washington, DC 20585; Telephone: (202) 586–8100; Email: [askcr@hq.doe.gov](mailto:askcr@hq.doe.gov).

■ 25. Section 700.56 is amended by revising paragraphs (c), (d), (e), (f), and (g) to read as follows:

**§ 700.56 Military assistance programs with Canada.**

\* \* \* \* \*

(c) The Department of Commerce coordinates with Public Works and Government Services Canada on all matters of mutual concern relating to the administration of this part.

(d) Any person in the United States ordering defense items in Canada in support of an approved program should inform the Canadian supplier that the items being ordered are to be used to fill a rated order. The Canadian supplier should be informed that if production materials are needed from the United States by the Canadian supplier or the Canadian supplier's vendor to fill the order, the Canadian supplier or vendor should contact Public Works and Government Services Canada for authority to place rated orders in the United States: Public Works and Government Services Canada, Acquisitions Branch, Business

Management Directorate, Phase 3, Place du Portage, 0B2-103, 11 Laurier Street, Gatineau, Quebec, K1A 0S5, Canada; Telephone: (819) 420-7200; Fax: (819) 997-9776, or electronically at *TPSGC.PAPrioritesdedefense-APDefencePriorities.PWGSC@tpsgc-pwgsc.gc.ca*.

(e) Any person in Canada producing defense items for the Canadian government may also obtain priority rating authority for items to be purchased in the United States by applying to Public Works and Government Services Canada, Acquisitions Branch, Business Management Directorate, in accordance with its procedures.

(f) Persons in Canada needing special priorities assistance in obtaining defense items in the United States may apply to Public Works and Government Services Canada, Acquisitions Branch, Business Management Directorate, for such assistance. Public Works and Government Services Canada will forward appropriate requests to the Department of Commerce.

(g) Any person in the United States requiring assistance in obtaining items in Canada must submit a request to the Office of Strategic Industries and Economic Security, U.S. Department of Commerce on Form BIS-999. The Department of Commerce will forward appropriate requests to Public Works and Government Services Canada.

■ 26. Section 700.57 is amended by revising paragraphs (a), (b)(1), and (c) to read as follows:

**§ 700.57 Military assistance programs with other nations and international organizations.**

(a) *Scope*. To promote military assistance to foreign nations and international organizations (for example, the North Atlantic Treaty Organization or the United Nations), this section provides for authorizing priority ratings to persons in foreign nations or international organizations to obtain items in the United States in support of approved programs. Although priority ratings have no legal authority outside of the United States, this section also provides information on how persons in the United States may obtain informal assistance in foreign nations that are signatories to bilateral security of supply arrangements with the Department of Defense. These foreign nations include Australia, Denmark, Finland, Israel, Italy, Japan, Latvia, The Netherlands, Norway, Spain, Sweden, and the United Kingdom. The most current security of supply arrangement information, including an up-to-date list of countries,

may be found on the following website: <https://www.businessdefense.gov/security-of-supply.html>.

(b) \* \* \*

(1) Any person in a foreign nation other than Canada, or any person in an international organization, requiring assistance in obtaining items in the United States or priority rating authority for items to be purchased in the United States, should submit a request for such assistance or priority rating authority to the Department of Defense DPA Title I Lead in the Office of the Assistant Secretary of Defense for Industrial Base Policy, 3330 Defense Pentagon, Room 3B854, Washington, DC 20301; Telephone: (703) 697-0051; Fax: (703) 695-4885; Email: *osd.pentagon.ousd-a-s.mbx.indpol-dpa-title-i@mail.mil*, website: <https://www.businessdefense.gov/>.

(i) If the end product is being acquired by a U.S. Government agency, the request should be submitted to the Department of Defense DPA Title I Lead through the U.S. contract administration representative.

(ii) If the end product is being acquired by a foreign nation or international organization, the request must be sponsored prior to its submission to the Department of Defense DPA Title I Lead by the government of the foreign nation or the international organization that will use the end product.

\* \* \* \* \*

(c) *Requesting assistance in foreign nations that are signatories to bilateral security of supply arrangements.*

(1) The Department of Defense has entered into bilateral security of supply arrangements with several foreign nations that allow the Department of Defense to request the priority delivery for Department of Defense contracts, subcontracts, and orders from companies in these countries. These countries include Australia, Denmark, Finland, Israel, Italy, Japan, Latvia, The Netherlands, Norway, Spain, Sweden, and the United Kingdom. The most current security of supply arrangement information, including an up-to-date list of countries, may be found on the following website: <https://www.businessdefense.gov/security-of-supply.html>.

(2) Any person in the United States requiring assistance in obtaining the priority delivery of a contract, subcontract, or order in foreign nations that are signatories to bilateral security of supply arrangements with the Department of Defense should contact the Department of Defense DPA Title I Lead in the Office of the Assistant Secretary of Defense for Industrial Base Policy for assistance.

(3) Persons in foreign nations that are signatories to bilateral security of supply arrangements with the Department of Defense should request assistance in accordance with paragraph (b)(1) of this section.

■ 27. Revise section 700.58 to read as follows:

**§ 700.58 Critical infrastructure assistance programs to foreign nations and international organizations.**

(a) *Scope*. To promote critical infrastructure assistance to foreign nations, this section provides for authorizing priority ratings to persons in foreign nations or international organizations (for example, the North Atlantic Treaty Organization or the United Nations) to obtain items in the United States in support of approved programs.

(b) *Foreign nations or international organizations*. (1) Any person in a foreign nation or representing an international organization requiring assistance in obtaining items under this part to be purchased in the United States for support of critical infrastructure protection and restoration should submit a request for priority rating authority on Form BIS-999 to the Department of Commerce (see § 700.50(c) for information on Form BIS-999).

(2) Any person in a foreign nation or representing an international organization requesting priority rating authority or requiring assistance in obtaining rated items under this part in support of critical infrastructure protection and restoration related activities should submit a request for a determination in writing that the request supports a program that is necessary or appropriate to promote the national defense to the Office of Policy and Program Analysis, Federal Emergency Management Agency, Department of Homeland Security, 500 C Street SW, Washington, DC 20472; Telephone: (202) 212-2900; Fax: (202) 646-4601; Email: *FEMA-DPA@fema.dhs.gov*, website: <https://www.fema.gov/disaster/defense-production-act>.

■ 28. Section 700.61 is amended by revising paragraph (a)(1) to read as follows:

**§ 700.61 Rating authorization.**

(a) \* \* \*

(1) Permits a person to place a priority rating on an order for an item, such as an item not normally ratable under this regulation; or

\* \* \* \* \*

■ 29. Section 700.63 is amended by revising paragraph (a) to read as follows:

**§ 700.63 Letters of understanding.**

(a) A letter of understanding is an official action that may be issued in resolving special priorities assistance cases to reflect an agreement reached by all parties (e.g., the Department of Commerce, the Determination Department, the Delegate Agency, the supplier, the customer).

\* \* \* \* \*

■ 30. Section 700.70 is amended by revising paragraph (b) to read as follows:

**§ 700.70 General provisions.**

\* \* \* \* \*

(b) Willful violation of any of the provisions of Title I or section 705 of the Defense Production Act, this part, or an official action of the Department of Commerce, is a criminal act, punishable as provided in sections 103 and 705 of the Defense Production Act.

■ 31. Section 700.71 is amended by revising the first sentence of paragraph (a) to read as follows:

**§ 700.71 Audits and investigations.**

(a) Audits and investigations are official actions involving the examination of books, records, documents, other writings, and information to ensure that the provisions of the Defense Production Act, the Selective Service Act and related statutes, and this part have been properly followed. \* \* \*

\* \* \* \* \*

■ 32. Section 700.74 is amended by revising paragraph (a) and paragraph (c) introductory text to read as follows:

**§ 700.74 Violations, penalties, and remedies.**

(a) Willful violation of the provisions of Title I or sections 705 or 707 of the Defense Production Act, the priorities provisions of the Selective Service Act and related statutes or this part is a crime and upon conviction, a person may be punished by fine or imprisonment, or both as provided in sections 103 and 705 of the Defense Production Act and in section 468(f) of the Selective Service Act.

\* \* \* \* \*

(c) In order to secure the effective enforcement of the Defense Production Act, this part, and official actions, the following are prohibited (see section 704 of the Defense Production Act; see e.g., sections 2 and 371 of Title 18 United States Code):

\* \* \* \* \*

■ 33. Section 700.80 is amended by revising the last sentence in paragraph (c) to read as follows:

**§ 700.80 Adjustments or exceptions.**

\* \* \* \* \*

(c) \* \* \* The Office of Strategic Industries and Economic Security shall respond to requests for adjustment of or exceptions to compliance with the provisions of this part or an official action within twenty-five (25) days, not including Saturdays, Sundays or Government holidays, of the date of receipt.

\* \* \* \* \*

■ 34. Section 700.81 is amended by revising paragraph (b) to read as follows:

**§ 700.81 Appeals.**

\* \* \* \* \*

(b) Appeals of denied requests for exceptions from or adjustments to compliance with the provisions of this part or an official action must be received by the Assistant Secretary for Export Administration no later than forty-five (45) days after receipt of a written notice of denial from the Office of Strategic Industries and Economic Security. After this forty-five (45) day period, an appeal may be accepted at the discretion of the Assistant Secretary for Export Administration.

\* \* \* \* \*

■ 35. Revise section 700.93 to read as follows:

**§ 700.93 Communications.**

General communications concerning this part, including how to obtain copies of this part, explanatory information, and requests for guidance or clarification, may be addressed to the Office of Strategic Industries and Economic Security, Room 3876, Department of Commerce, 1401

Constitution Ave. NW, Washington, DC 20230, Ref: DPAS; Telephone (202) 482-3634, email [DPAS@bis.doc.gov](mailto:DPAS@bis.doc.gov). Request for special priorities assistance under § 700.50, adjustments or exceptions under § 700.80, or appeals under § 700.81, must be submitted in the manner specified in those sections.

■ 36. Revise Schedule I to Part 700 to read as follows:

**Schedule I to Part 700—Approved Programs and Delegate Agencies**

Schedule I provides a list of approved programs. They have equal preferential status. Use of this part in support of an approved program requires written authorization by the Department of Commerce. The Department of Commerce has authorized the delegate agencies listed in the third column to use this part in support of those programs assigned to them, as indicated below. The Department of Commerce is also listed as an agency in the third column for programs where its authorization in writing is necessary to place rated orders (see § 700.51 for information on how to request priority rating authority).

The Department of Commerce has authorized Delegate Agencies to place priority ratings on contracts and orders for industrial resources needed to implement any approved program that has been authorized for priorities support by the appropriate Resource Department. The program identification symbol used on priority rated contracts and orders authorized by the appropriate Resource Department to support the approved program must also be used on rated orders for industrial resources needed to implement the approved program. However, any rated order for industrial resources placed to implement an approved program that has been authorized for priorities support by a Resource Department remains subject to the provisions of this part. The program identification symbols for these approved programs are found under the “Other Programs” section of Schedule I.

Program identification symbol	Approved program	Agency(ies)
<b>Defense Programs</b>		
A1 .....	Aircraft .....	Department of Defense.
A2 .....	Missiles and Space .....	Department of Defense.
A3 .....	Ships .....	Department of Defense.
A4 .....	Tank—Automotive .....	Department of Defense.
A5 .....	Weapons .....	Department of Defense.
A6 .....	Ammunition .....	Department of Defense.
A7 .....	Electronic and communications equipment .....	Department of Defense.
B1 .....	Military building supplies .....	Department of Defense.
B8 .....	Production equipment (for defense contractor's account) .....	Department of Defense.
B9 .....	Production equipment (Government owned) .....	Department of Defense.

Program identification symbol	Approved program	Agency(ies)
C2 .....	Department of Defense construction .....	Department of Defense.
C3 .....	Maintenance, repair, and operating supplies (MRO) for Department of Defense facilities.	Department of Defense.
C9 .....	Miscellaneous .....	Department of Defense.
<b>Military Assistance to Canada</b>		
D1 .....	Canadian military programs .....	Department of Commerce.
D2 .....	Canadian production and construction .....	Department of Commerce.
D3 .....	Canadian atomic energy program .....	Department of Commerce.
<b>Military Assistance to Other Foreign Nations</b>		
G1 .....	Certain munitions items purchased by foreign governments through domestic commercial channels for export.	Department of Commerce.
G2 .....	Certain direct defense needs of foreign governments other than Canada.	Department of Commerce.
G3 .....	Foreign nations (other than Canada) production and construction .....	Department of Commerce.
<b>Critical Infrastructure Assistance to Foreign Nations</b>		
G4 .....	Foreign critical infrastructure programs .....	Department of Commerce.
<b>Co-Production</b>		
J1 .....	Co-Production Program .....	Departments of Commerce and Defense.
<b>Atomic Energy Programs</b>		
E1 .....	Construction .....	Department of Energy.
E2 .....	Operations—including maintenance, repair, and operating supplies (MRO).	Department of Energy.
E3 .....	Privately owned facilities .....	Department of Energy.
<b>Domestic Energy Programs</b>		
F1 .....	Exploration, production, refining, and transportation .....	Department of Energy.
F2 .....	Conservation .....	Department of Energy.
F3 .....	Construction, repair, and maintenance .....	Department of Energy.
<b>Other Defense, Energy, and Related Programs</b>		
H1 .....	Certain combined orders (see § 700.17(c)) .....	Department of Commerce.
H5 .....	Private domestic production .....	Department of Commerce.
H6 .....	Private domestic construction .....	Department of Commerce.
H7 .....	Maintenance, repair, and operating supplies (MRO) .....	Department of Commerce.
H8 .....	Designated Programs .....	Department of Commerce.
K1 .....	Federal supply items .....	General Services Administration.
<b>Homeland Security Programs</b>		
N1 .....	Federal emergency preparedness, mitigation, response, and recovery	Department of Homeland Security.
N2 .....	State, local, tribal, and territorial government emergency preparedness, mitigation, response, and recovery.	Department of Homeland Security.
N3 .....	Intelligence and warning systems .....	Department of Homeland Security.
N4 .....	Border and transportation security .....	Department of Homeland Security.
N5 .....	Domestic counter-terrorism, including law enforcement .....	Department of Homeland Security.
N6 .....	Chemical, biological, radiological, and nuclear countermeasures .....	Department of Homeland Security.
N7 .....	Critical infrastructure protection and restoration .....	Department of Homeland Security.
N8 .....	Continuity of Government .....	Department of Homeland Security.
<b>Other Programs</b>		
<i>Health Resources/Health Resources Priorities and Allocations System (HRPAS):</i>		
M1 .....	Pharmaceuticals and biological related products.	
M2 .....	Health, medical, and safety supply chains.	
M3 .....	Health related equipment, devices, and material.	
M4 .....	Vaccines.	
M5 .....	Mental Health.	
M6 .....	Mitigation measures.	
M7 .....	Facilities.	
M8 .....	Personal protective equipment.	
M9 .....	Miscellaneous.	

Program identification symbol	Approved program	Agency(ies)
[80 FR 42408; Jul. 15, 2015].		
<i>Food Resources/Agriculture Priorities and Allocations System (APAS):</i>		
P1 .....	Food and food resources (civilian).	
P2 .....	Agriculture and food critical infrastructure protection and restoration.	
P3 .....	Food resources (combat rations).	
P4 .....	Certain combined orders.	
[80 FR 63890; Dec. 21, 2015].		
<i>Transportation Resources/Transportation Priorities and Allocations System (TPAS):</i>		
T1 .....	Federal emergency preparedness, mitigation, response, and recovery.	

**Thea D. Rozman Kendler,**  
*Assistant Secretary for Export Administration*  
 [FR Doc. 2024–01930 Filed 2–6–24; 8:45 am]  
**BILLING CODE 3510–JT–P**

## POSTAL REGULATORY COMMISSION

### 39 CFR Parts 3000, 3010, 3040, 3041

[Docket No. RM2023–5; Order No. 6953]

RIN 3211–AA34

#### Competitive Postal Products

**AGENCY:** Postal Regulatory Commission.  
**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Notice of Proposed Rulemaking seeks comment on a proposal for reviewing contracts negotiated between the Postal Service and customers for competitive services. These contracts are known as competitive negotiated service agreements (NSAs). The proposal includes a default method for reviewing competitive NSAs and three optional streamlined methods. Different requirements apply to each method for reviewing proposed competitive NSAs. In addition, the proposal includes requirements for administering approved competitive NSAs. The proposal is designed to streamline competitive NSA review, ensure transparency and accountability, preserve existing flexibility, and enable a smooth transition with minimum disruption for stakeholders. This document informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* April 8, 2024; *Reply comments are due:* May 7, 2024.

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

found on the Commission's Rule Summary Page at <https://www.prc.gov/rule-summary-page>.

#### FOR FURTHER INFORMATION CONTACT:

David A. Trissell, General Counsel, at 202–789–6820.

#### SUPPLEMENTARY INFORMATION:

- I. Background
- II. Basis of Proposed Rules
- III. Proposed Rules

#### I. Background

A Negotiated Service Agreement (NSA) is “a written contract, to be in effect for a defined period of time, between the Postal Service and a mailer, which provides for customer-specific rates or fees and/or terms of service in accordance with the terms and conditions of the contract.” 39 CFR 3010.101(f). These NSAs require prior Commission approval before they are added to the applicable product lists; however, different statutory and regulatory criteria apply to the approval of Market Dominant NSAs and Competitive NSAs.<sup>1</sup>

Before adding a product (such as a Competitive NSA) to the Competitive product list, the Commission undertakes two types of review: (1) review under 39 U.S.C. 3642; and (2) review under 39 U.S.C. 3633. Upon consideration of required information submitted by the Postal Service, including projections of the proposed product's revenues and costs and responses to any information requests,<sup>2</sup> the Commission determines whether the product complies with the requirements for Competitive products

in 39 U.S.C. 3642. The Commission also makes a preliminary determination of whether the proposed product will comply with the criteria outlined in 39 U.S.C. 3633(a). Final determination of compliance with 39 U.S.C. 3633(a) is made retrospectively, in the Commission's *Annual Compliance Determination(s)* (ACD), as set forth in 39 U.S.C. 3653.

Over the years, various efforts have sought to streamline review of NSAs in certain respects by applying the concept of functional equivalence to groups of NSAs.<sup>3</sup> An “umbrella” product is a grouping of NSAs that are functionally equivalent to a baseline agreement. The Commission has used a functional equivalence analysis to approve “umbrella” product agreements.<sup>4</sup> Non-published rates NSA products are a refinement of “umbrella” products that receive further streamlined review because the products “conform to a template agreement and offer prices within specified, pre-approved ranges.” Order No. 5753 at 3. These products must comply with Commission classification and regulatory requirements, including pre-approved pricing formulas, minimum cost coverage, and documentation, allow for a streamlined review process because

<sup>3</sup> See, e.g., Docket No. CP2008–5, Order Concerning Global Expedited Package Services Contracts, June 27, 2008 (Order No. 86).

<sup>4</sup> See, e.g., Order No. 5753 at 2–3 (summarizing the Commission's approach to “umbrella” products); Docket No. R2013–9, Order Granting, in Part, Motion for Partial Reconsideration of Order No. 1864 and Modifying, in Part, Order No. 1864, August 11, 2014, at 7 (Order No. 2148) (allowing then-existing “umbrella” products to designate multiple baseline agreements but “plan[ning] to discontinue the practice of designating more than one baseline reference.”). The Commission also has considered similar arrangements termed “shell classifications,” which may use a “shell” or template in lieu of an actual agreement as a baseline. See Docket No. CP2008–8 *et al.*, Order Concerning Global Plus Negotiated Service Agreements, June 27, 2008, at 7–8 (Order No. 85); cf. Docket No. MC2008–6 *et al.*, Order Concerning Prices Under Inbound Direct Entry Contracts with Certain Foreign Postal Administrations, September 4, 2008, at 3, 7 (Order No. 105).

<sup>1</sup> See, e.g., 39 U.S.C. 3642; Postal Regulatory Commission, *Annual Report to the President and Congress Fiscal Year 2021*, January 25, 2022, at 26 (FY 2021 Annual Report) (stating that the Commission reviews Market Dominant NSAs to ensure they comply with 39 U.S.C. 3622(c)(10) and the Commission's regulations in 39 CFR part 3040, subpart G); *id.* at 28 (stating that Competitive NSAs require prior Commission review for compliance with 39 U.S.C. 3633(a) and 39 CFR part 3035). The focus of this docket is Competitive NSAs.

<sup>2</sup> See 39 CFR 3035.105. This information includes “[s]ufficient revenue and cost data for the 12-month period following the effective date of the rate or class to demonstrate that each affected competitive product will be in compliance with 39 U.S.C. 3633(a)(2)[.]” 39 CFR 3035.105(c)(1).

the contract template and financial model are approved in advance.<sup>5</sup>

In Order No. 6446, the Commission outlined concepts for potential enhancements to its regime for adding NSAs to the Competitive product list in the Framework. *See* Order No. 6446 at 12. The core feature of the Framework was establishing a three-track system for categorizing and reviewing NSAs proposed to be added to the Competitive product list. *Id.* Under this Framework, a proposed NSA would have been filed in one of three tracks, and each track would have had distinct filing and review procedures providing different levels of scrutiny and review. *Id.* These tracks would have consisted of a Custom NSA track, a Standard NSA track, and an NPR NSA track. *Id.*

The Commission received comments in response to Order No. 6446. Previously, the Commission developed a conceptual framework that contemplated separate tracks for filing and reviewing certain types of NSAs, and requested comments thereon. Having considered the comments received, the Commission revises its proposed regulations.

## II. Basis of the Proposed Rules

Despite improvements over time, the Commission maintains that streamlining and codifying the rules pertaining to Competitive NSAs will provide increased clarity concerning filing requirements and review processes. Codifying such procedures and standards also provides an opportunity to make improvements to the practices and precedents that have developed, while maintaining the opportunities for pricing flexibility that NSAs afford the Postal Service.

Specifically, the Commission proposes to codify, with modifications, its existing NSA filing and review procedures as default rules for proposals to add NSAs to the Competitive product list. The Commission proposes to codify, with modifications, existing, optional, streamlined methods for adding qualifying Umbrella products and Non-Published Rate products to the Competitive product list. The Commission also proposes to create a new streamlined filing option for qualifying NSAs called Standardized Distinct Products. Each streamlined

option would have distinct filing and review procedures providing different levels of scrutiny and streamlined review. The intent is to preserve the Postal Service's existing contracting flexibility with default review procedures, while providing the option for streamlined pre-implementation review of NSAs that satisfy the eligibility requirements of one of the optional streamlined methods.

The Commission's proposal provides new filing and review procedures for Standardized Distinct Product NSAs. These procedures would include advance review of financial models to streamline review of individual NSAs that are based on existing Postal Service competitive products. Proposing new Non-Published Rate Products also would involve advance review of financial models. By contrast, filing and review procedures for Umbrella Products would generally follow current practices. Default filing and review procedures would consist of current, generally applicable filing and review practices for Competitive NSAs (other than Umbrella Product or Non-Published Rate Product NSAs).

The Commission also proposes rules for administering NSAs on the Competitive product list. These proposed rules cover amendments, renewals, extensions, and terminations of Competitive NSAs, as well as periodic reporting requirements.

The Commission's proposal is designed to streamline Competitive NSA review, while ensuring transparency and accountability, preserving existing flexibility, and enabling a smooth transition with minimum disruption for stakeholders. Under the Commission's proposal, the vast majority of proposed Competitive NSAs should qualify for a streamlined review procedure. Use of such streamlined procedures, particularly the Standardized Distinct Product option, should markedly simplify adding new NSAs to the Competitive product list.

## III. Proposed Rules

### List of Subjects

#### 39 CFR Part 3000

Organization and functions, Seals and insignia.

#### 39 CFR Part 3010

Administrative practice and procedure, Confidential business information, Freedom of information, Sunshine Act.

#### 39 CFR Part 3040

Administrative practice and procedure, Foreign relations, Postal service.

#### 39 CFR Part 3041

Administrative practice and procedure, Postal service, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Commission proposes to amend chapter III of title 39 of the Code of the Federal Regulations as follows:

### PART 3000—THE COMMISSION AND ITS OFFICES

■ 1. The authority citation for part 3000 continues to read as follows:

**Authority:** 39 U.S.C. 503; 5 U.S.C. 552.

■ 2. Amend § 3000.114 by revising paragraph (a) to read as follows:

#### § 3000.114 The Public Representative.

(a) Pursuant to 39 U.S.C. 505, the Commission appoints a staff member, on a case-by-case basis, to serve as a representative of the general public's interests in public proceedings before the Commission; pursuant to 39 U.S.C. 3653, 39 U.S.C. 3661, and 39 U.S.C. 3662, and 39 U.S.C. 3705, the Commission also appoints a staff member, on a case-by-case basis, to serve as a representative of the general public's interests in certain proceedings; and, pursuant to 39 U.S.C. 504(a), the Chairman may appoint a staff member, on a case-by-case basis, to serve as a representative of the general public's interests in other proceedings before the Commission. In all such proceedings, the appointee is called the Public Representative.

\* \* \* \* \*

### PART 3010—RULES OF PRACTICE AND PROCEDURE

■ 3. The authority citation for part 3010 continues to read as follows:

**Authority:** 39 U.S.C. 404(d); 503; 504; 3661.

#### § 3010.101 Definitions.

■ 4. Amend § 3010.101 by:

- a. Redesignating paragraphs (p) through (u) as paragraphs (q) through (v);
- b. Adding new paragraph (p); and
- c. Revising newly redesignated paragraph (q).

The revision and addition read as follows:

#### § 3010.101 Definitions

\* \* \* \* \*

(p) *Public proceeding* means a proceeding developing rules,

<sup>5</sup> See Order No. 5753 at 3; Docket Nos. MC2010–29 and CP2010–72, Order Approving Postal Service Request to Add Global Expedited Package Services–Non-Published Rates 1 to the Competitive Product List, November 22, 2010, at 15 (Order No. 593) (“[T]he model contract is based on business rules which ensure that each contract covers its attributable costs and makes a contribution to institutional costs.”).



regulations, and procedures or a proceeding materially affecting the interests of the general public. A proceeding considering a request for summary approval of a negotiated service agreement or of an amendment to a negotiated service agreement is not a public proceeding. A proceeding considering a request to amend a negotiated service agreement for the sole purpose of extending the expiration date of the negotiated service agreement is not a public proceeding.

(q) *Public Representative* or *PR* means an officer of the Commission designated to represent the interests of the general public:

- (1) In a public proceeding;
- (2) With respect to any one of the following:
  - (i) The Commission's annual determination of compliance;
  - (ii) A request for an advisory opinion on a change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis,
  - (iii) A rate or service complaint; or
  - (iv) Appeal of a Postal Service determination to close or consolidate a post office; or
- (3) As appointed by the Chairman.

\* \* \* \* \*

#### **§ 3010.102 Commission dockets.**

- 5. Amend § 3010.102 by:
  - a. Redesignating paragraphs (d)(1)(vii) through (xiv) as paragraphs (d)(1)(viii) through (xv); and
  - b. Adding new paragraph (d)(1)(vii).
 The addition read as follows:

#### **§ 3010.102 Commission dockets**

\* \* \* \* \*

(d)(1) \* \* \*

(vii) Competitive Negotiated Service Agreement (K);

\* \* \* \* \*

- 6. Revise § 3010.140 to read as follows:

#### **§ 3010.140 Opportunity to comment.**

Except for proceedings involving an appeal of a Postal Service determination to close or consolidate a post office, any person may submit comments in public proceedings before the Commission. An opportunity to provide a reply to comments shall be at the discretion of the Commission, or the presiding officer if one is appointed. The scope and timing of comments and reply comments may be specified by notice, order, or presiding officer's ruling. There is no requirement to intervene in a proceeding as a party in order to submit comments.

- 7. Amend § 3010.152 by revising paragraphs (a), (b)(5) and (b)(6) to read as follows:

#### **§ 3010.152 Notices initiating dockets for consideration of negotiated service agreements.**

(a) The Secretary shall issue a notice to initiate a docket for each request that proposes 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. Multiple requests may be combined into a single notice.

(b) \* \* \*

(5) The appointment of an officer of the Commission to represent the interests of the general public in the proceeding, unless the proceeding is not a public proceeding.

(6) The comment deadline pertaining to each request, unless the proceeding is not a public proceeding.

\* \* \* \* \*

- 8. Amend § 3010.200 by revising paragraph (b) to read as follows:

#### **§ 3010.200 Applicability.**

\* \* \* \* \*

(b) Unless the Commission orders otherwise, the rules in this subpart shall not apply to proceedings governed by subpart F of this part (Proceedings with an Opportunity for a Hearing on the Record). The rules in this subpart also shall not apply to the following parts of subchapter D of chapter III (Special Rules of Practice for Specific Proceeding Types) of this title: part 3020 (Rules Applicable to Requests for Changes in the Nature of Postal Services) of this chapter, part 3021 (Rules for Appeals of Postal Service Determinations to Close or Consolidate Post Offices) of this chapter, part 3022 (Rules for Complaints) of this chapter, part 3023 (Rules for Rate or Service Inquiries) of this chapter, and part 3024 (Special Rules for Complaints Alleging Violations of 39 U.S.C. 404a) of this chapter. The rules in this subpart shall not apply to any proceeding governed by § 3041.325, § 3041.505(f), and § 3041.505(g) (Competitive Negotiated Service Agreements) of this chapter.

#### **PART 3040—PRODUCT LISTS AND THE MAIL CLASSIFICATION SCHEDULE**

- 9. The authority citation for part 3040 continues to read as follows:

**Authority:** 39 U.S.C. 503; 3622; 3631; 3642; 3682.

- 10. Amend § 3040.101 by adding paragraph (e) to read as follows:

#### **§ 3040.101 Applicability.**

\* \* \* \* \*

(e) Modification of the competitive product list to add a competitive negotiated service agreement is not governed by this part but is governed by part 3041 of this chapter. The rules in part 3041 of this chapter regarding removal of a negotiated service agreement from the competitive product list supersede any conflicting rules in this part.

#### **PART 3041—COMPETITIVE NEGOTIATED SERVICE AGREEMENTS**

- 11. Add part 3041 to read as follows:

#### **PART 3041—COMPETITIVE NEGOTIATED SERVICE AGREEMENTS**

##### **Subpart A—General**

Sec.

3041.105 General.

3041.110 Definitions.

##### **Subpart B—Advance Review**

Sec.

3041.205 Advance review of non-published rates products and standardized distinct products.

##### **Subpart C—Adding Negotiated Service Agreements to the Competitive Product List**

Sec.

3041.305 Applicability.

3041.310 General procedures and filing requirements.

3041.315 Procedures and filing requirements for umbrella products.

3041.320 Procedures and filing requirements for non-published rates negotiated service agreements.

3041.325 Procedures and filing requirements for standard distinct product negotiated service agreements.

##### **Subpart D—Commission Review**

Sec.

3041.405 Docket and notice.

3041.410 Required findings.

3041.415 Commission review and disposition of requests to add negotiated service agreements to the competitive product list.

##### **Subpart E—Negotiated Service Agreements on the Competitive Product List**

Sec.

3041.505 Amendments to competitive negotiated service agreements.

3041.510 Renewals of competitive negotiated service agreements.

3041.515 Extensions

3041.520 Terminations

##### **Subpart F—Negotiated Service Agreement Reporting and Compliance**

Sec.

3041.605 Competitive negotiated service agreement reporting requirements.

**Authority:** 39 U.S.C. 503; 39 U.S.C. 3633

## Subpart A—General

### § 3041.105 General.

(a) The rules in this part apply to competitive negotiated service agreements.

(b) When a general rule conflicts with a rule governing a specific streamlined option, the rule governing the specific streamlined option shall take precedence.

(c) Commission findings that the addition of a competitive negotiated service agreement to the competitive product list is not inconsistent with the standards of 39 U.S.C. 3633 are provisional and subject to subsequent review.

(d) The addition of a competitive negotiated service agreement to the competitive product list is limited to the term of the negotiated service agreement, as it may be extended. The Commission will remove a negotiated service agreement from the competitive product list automatically upon the expiration or termination of the negotiated service agreement. Any request to remove a negotiated service agreement from the competitive product list unrelated to expiration or termination of the negotiated service agreement shall follow the applicable procedures outlined in part 3040 of this chapter.

(e) When a rule in subpart E of this part conflicts with a provision of a negotiated service agreement added to the competitive product list before the effective date of this part, the provision of the negotiated service agreement shall take precedence.

### § 3041.110 Definitions.

(a) *Applicability.* The definitions in paragraphs (b) through (q) of this section apply to this part.

(b) *Baseline agreement.* A negotiated service agreement that serves as a model for an included contract in an umbrella product.

(c) *Contract template.* A template for included contracts in a non-published rates product.

(d) *Financial model.* A workbook showing detailed projected cost, revenue, and volume data for a negotiated service agreement; containing all supporting inputs and calculations; and identifying the sources of all such inputs. A financial model must use accepted analytical principles within the meaning of part 3050 of this chapter and accepted quantification techniques within the meaning of part 3050 of this chapter.

(e) *Functionally equivalent negotiated service agreements.* Negotiated service agreements that have similar cost

characteristics and similar market characteristics.

(f) *Included contract.* A negotiated service agreement included as part of an umbrella product or non-published rates product.

(g) *Minimum rates.* The set of lowest rates that could be offered pursuant to the terms of a negotiated service agreement, or specified in a financial model, for each rate cell.

(h) *Negotiated service agreement.* As defined in § 3010.101(f) of this chapter, a written contract, to be in effect for a defined period of time, between the Postal Service and a mailer, which provides for customer-specific rates or fees and/or terms of service in accordance with the terms and conditions of the contract. A rate associated with a negotiated service agreement is not a rate of general applicability.

(i) *Non-published rates product.* A single product consisting of a contract template and any included contracts that are functionally equivalent to the contract template and use a single common financial model.

(j) *Notice information.* Contact information specified in a negotiated service agreement for one party to provide the other party with notice in accordance with the terms of the negotiated service agreement.

(k) *Negotiated Service Agreement (NSA) summary proceeding.* A streamlined proceeding considering a Postal Service request to add to the competitive product list a product for which use of a financial model has been authorized in a streamlined-option rulemaking or a Postal Service request to amend such a product. Such a proceeding is not a public proceeding.

(l) *Postal Service executive.* The Postmaster General, the Deputy Postmaster General, or a Postal Service vice president.

(m) *Rate cell.* Each and every separate rate identified in a financial model or negotiated service agreement.

(n) *Standardized distinct product.* A negotiated service agreement that is a variation of one or more competitive products offered as rates of general applicability or added to the competitive product list as rates not of general applicability.

(o) *Streamlined option.* An optional procedural approach to filing requirements for a request to add a negotiated service agreement to the competitive product list and to review of such negotiated service agreement.

(p) *Streamlined-option rulemaking.* A rulemaking proceeding that considers financial models, contract templates, and Mail Classification Schedule

changes in connection with a streamlined option.

(q) *Umbrella product.* A single product consisting of a baseline agreement and one or more included contracts that are functionally equivalent to the baseline agreement.

## Subpart B—Advance Review

### § 3041.205 Advance review of non-published rates products and standardized distinct products.

(a) The Commission reviews proposed financial models, minimum rates, and Mail Classification Schedule changes in streamlined-option rulemaking proceedings to permit streamlined review of non-published rates products and standardized distinct products.

(b) Streamlined-option rulemaking proceedings follow the procedures set forth in part 3010, subpart E of this chapter and the additional procedures set forth in this section.

(c) In addition to providing the information required by § 3010.201(b)(1) of this chapter, a petition for a streamlined-option rulemaking must:

- (1) Provide a proposed financial model containing:
  - (i) Minimum rates for all rate cells;
  - (ii) Projected volume for all rate cells;
  - (iii) Projected revenue at minimum rates;
  - (iv) Projected costs attributable;
  - (v) Projected coverage of costs attributable within the meaning of 39 U.S.C. 3633(a), expressed as a percentage; and
  - (vi) All input data, sources, and calculations used;

(2) Provide a narrative explanation of how the proposed financial model complies with paragraph (d)(1) of this section;

(3) Explain why the projected cost, revenue, and volume data in the proposed financial model are reasonable and reliable;

(4) Identify the existing competitive product(s) on which proposed products will be based and the Commission order(s) in which such existing competitive product(s) were determined to be competitive;

(5) Identify each way in which proposed products could differ from the existing competitive product(s) identified in paragraph (c)(4) of this section;

(6) Explain why the potential differences identified in paragraph (c)(5) of this section do not cause any proposed products to satisfy the definition of a market dominant product within the meaning of 39 U.S.C. 3642(b)(1); and

(7) Identify the Mail Classification Schedule section in which proposed

products will be listed and provide any proposed changes therein in legislative format.

(d) The financial model must:

(1) Demonstrate that each negotiated service agreement that will use the minimum rates is not inconsistent with the standards of 39 U.S.C. 3633; and

(2) Rely on reasonable and reliable projected cost, revenue, and volume data.

(e) The Mail Classification Schedule entry, including any proposed changes, must:

(1) Identify all material differences between proposed products and the existing competitive product(s) on which proposed products are based;

(2) Specify all options and features of proposed products included in the financial model; and

(3) For proposed products based on an existing product with rates not of general applicability, including a negotiated service agreement, describe all material aspects of the proposed products, including the information identified in § 3040.104(b)(3)(ii)(A) of this chapter.

(f) The Commission will issue an order authorizing the proposed financial model, minimum rates, and any Mail Classification Schedule changes for use in requests to add standardized distinct products and non-published rates products to the competitive product list if, after review, the Commission finds that:

(1) The financial model and minimum rates are not inconsistent with the standards of 39 U.S.C. 3633;

(2) The products using such proposed financial model, minimum rates, and Mail Classification Schedule changes will be competitive products; and

(3) The proposed Mail Classification Schedule changes comply with the requirements of this section and are not inconsistent with the proposed financial model.

(g) As a condition of any authorization issued pursuant to paragraph (f) of this section, the Postal Service shall be required to update the financial model whenever more accurate or complete cost, revenue, or volume data are available and no less frequently than every 12 months from the date on which such authorization is granted. Upon review of any updated financial model, the Commission may require changes to any applicable minimum rates to ensure that the minimum rates are not inconsistent with the standards of 39 U.S.C. 3633.

### **Subpart C—Adding Negotiated Service Agreements to the Competitive Product List**

#### **§ 3041.305 Applicability.**

(a) This subpart imposes requirements regarding the addition of negotiated service agreements to the competitive product list. These requirements are in addition to other requirements imposed by part 3035 of this chapter.

(b) The general requirements appearing in § 3041.310 apply to a request to add a negotiated service agreement to the competitive product list unless the request is filed under one of the streamlined, alternative options for competitive negotiated service agreement consideration appearing in § 3041.315, § 3041.320, and § 3041.325.

(c) Section 3041.320 is not applicable to any request to add an included contract to a non-published rates product listed on the competitive product list as of the effective date of this part. Any such request is governed by the terms of the Commission order approving the addition of such non-published rates contract to the competitive product list.

#### **§ 3041.310 General procedures and filing requirements.**

(a) Except as otherwise provided in §§ 3041.315, 3041.320, and 3041.325 of this part, in order to add a negotiated service agreement to the competitive product list, a request must be filed with the Commission as provided in this section and § 3035.105 of this chapter.

(b) Each request to add a negotiated service agreement to the competitive product list must include each of the following items:

(1) A copy of the negotiated service agreement;

(2) The rate and class decision of the Postal Service Board of Governors under 39 U.S.C. 3632 relating to the proposed negotiated service agreement and the record of the proceedings in connection with such decision;

(3) A copy of the applicable sections of the Mail Classification Schedule and the proposed changes therein in legislative format;

(4) The name, and class if applicable, of the proposed negotiated service agreement;

(5) A description clearly explaining the operative components of the negotiated service agreement;

(6) An explanation of the reason for initiating the docket and of why the proposed negotiated service agreement is not inconsistent with the applicable requirements of this part and any applicable Commission directives and orders;

(7) An explanation of the reasons why the addition of the product to the competitive product list will not result in a violation of the standards of 39 U.S.C. 3633;

(8) Verification that the change does not classify as competitive a product over which the Postal Service exercises sufficient market power that it can, without risk of losing a significant level of business to other firms offering similar products:

(i) Set the price of such product substantially above costs;

(ii) Raise prices significantly;

(iii) Decrease quality; or

(iv) Decrease output;

(9) Explanation of whether or not the proposed negotiated service agreement is covered by the postal monopoly as reserved to the Postal Service under 18 U.S.C. 1696 subject to the exceptions set forth in 39 U.S.C. 601;

(10) A description of the availability and nature of enterprises in the private sector engaged in the delivery of the proposed negotiated service agreement or substantially similar products;

(11) Any information available on the views of those who use, or will use, the proposed negotiated service agreement on the appropriateness of the proposed negotiated service agreement;

(12) A description of the likely impact of the proposed negotiated service agreement on small business concerns;

(13) The information required by § 3035.105(a) of this chapter;

(14) The information required by § 3035.105(b) of this chapter;

(15) The information required by § 3035.105(c) of this chapter;

(16) All other supporting justification upon which the Postal Service proposes to rely; and

(17) Such other information and data, and such statements of reasons and bases, as are necessary and appropriate to fully inform the Commission of the nature, scope, significance, and impact of the proposed negotiated service agreement.

(c) In order to authorize the addition of a negotiated service agreement to the competitive product list, the Commission must:

(1) Give due regard to:

(i) The availability and nature of enterprises in the private sector engaged in the delivery of the proposed product;

(ii) The views of those who will use the proposed product on the appropriateness of adding the proposed product to the competitive product list; and

(iii) The likely impact of adding the proposed product to the competitive product list on small business concerns; and

(2) Make the following findings:

- (i) The proposed negotiated service agreement is a competitive product; and
- (ii) The proposed negotiated service agreement is not inconsistent with the standards of 39 U.S.C. 3633.

**§ 3041.315 Procedures and filing requirements for umbrella products.**

(a) The procedures described in this section and in § 3035.105(a) of this chapter apply to requests to add an included contract to an umbrella product or to create an umbrella product by adding an included contract to an existing baseline agreement. Requests to add a new negotiated service agreement to the competitive product list for use as a baseline agreement must instead follow the requirements of § 3041.310.

(b) Any of the following negotiated service agreements may function as a baseline agreement:

(1) An active negotiated service agreement, other than an included contract in a non-published rates product, listed on the competitive product list as of the effective date of this part.

(2) An active negotiated service agreement added to the competitive product list following a request pursuant to § 3041.310.

(3) An expired or terminated negotiated service agreement, other than an included contract in a non-published rates product or a standardized distinct product, that the Commission authorized to serve as a baseline agreement before its expiration or termination.

(c) Only the Postal Service is permitted to propose to add an included contract to an umbrella product.

(d) A proposal to add an included contract to an umbrella product must include:

(1) A copy of the proposed included contract;

(2) The rate and class decision of the Postal Service Board of Governors under 39 U.S.C. 3632 relating to the proposed included contract and the record of the proceedings in connection with such decision;

(3) A statement identifying the applicable baseline agreement;

(4) A copy of the applicable sections of the Mail Classification Schedule and the proposed addition thereto in legislative format;

(5) A description clearly explaining the operative components of the included contract;

(6) An explanation of the reason for initiating the docket and of why the proposed negotiated service agreement is not inconsistent with the applicable requirements of this part and any

applicable Commission directives and orders;

(7) An explanation of the reasons why the addition of the included contract to the umbrella product will not result in a violation of the standards of 39 U.S.C. 3633;

(8) A demonstration that the proposed included contract is functionally equivalent to the baseline agreement;

(9) The information required by § 3035.105(a) of this chapter;

(10) The information required by § 3035.105(b) of this chapter;

(11) The information required by § 3035.105(c) of this chapter;

(12) All other supporting justification upon which the Postal Service proposes to rely; and

(13) Such other information and data, and such statements of reasons and bases, as are necessary and appropriate to fully inform the Commission of the nature, scope, significance, and impact of the proposed included contract.

(e) In order to authorize the addition of an included contract to an umbrella product, the Commission must make the following findings:

(1) The proposed included contract is functionally equivalent to the baseline agreement; and

(2) With the addition of the proposed included contract, the umbrella product is not inconsistent with the standards of 39 U.S.C. 3633.

**§ 3041.320 Procedures and filing requirements for non-published rates negotiated service agreements.**

(a) A request to add a non-published rates product to the competitive product list must comply with the requirements of this section and the requirements of § 3035.105(a) of this chapter.

(b) A non-published rates product contract template may be proposed at any time during or following the pendency of a streamlined-option rulemaking considering a proposed financial model, minimum rates, and Mail Classification Schedule changes for standardized distinct products and non-published rates products.

(c) A non-published rates product is added to the competitive product list after:

(1) Issuance of a Commission order authorizing the use of an applicable financial model, minimum rates, and Mail Classification Schedule changes in a streamlined-option rulemaking; and

(2) Issuance of a Commission order approving the non-published rates product contract template.

(d) A non-published rates product financial model, minimum rates, and Mail Classification Schedule changes must be, or have been, proposed in a

streamlined-option rulemaking proceeding.

(e) A proposal for a non-published rates product contract template must include the following information:

(1) The proposed non-published rates product contract template;

(2) The rate and class decision of the Postal Service Board of Governors under 39 U.S.C. 3632 relating to the proposed non-published rates product contract template and the record of the proceedings in connection with such decision;

(3) A copy of the applicable sections of the Mail Classification Schedule and the proposed addition therein in legislative format;

(4) The number of the Commission order approving the use of the financial model associated with the proposed non-published rates product contract template or the number of the docket in which the financial model associated with the proposed non-published rates product contract template is being considered;

(5) A description clearly explaining the operative components of the non-published rates product contract template;

(6) A description of the availability and nature of enterprises in the private sector engaged in the delivery of the postal services involved in the proposed non-published rates product contract template;

(7) A description of the views of those who will use the postal services involved in the proposed non-published rates product contract template on the appropriateness of the proposed non-published rates product contract template;

(8) A description of the likely impact of the proposed non-published rates product contract template on small business concerns;

(9) In lieu of the certified statement required by § 3035.105(c)(2) of this chapter, a sworn statement of a Postal Service executive certifying that the proposed non-published rates product template is not inconsistent with the financial model approved, or under consideration by the Commission, in the order or docket identified in paragraph (e)(4) of this section;

(10) All other supporting justification upon which the Postal Service proposes to rely; and

(11) Such other information and data, and such statements of reasons and bases, as are necessary and appropriate to fully inform the Commission of the nature, scope, significance, and impact of the proposed non-published rates product contract template.

(f) A non-published rates product contract template may include optional provisions to be selected by customers, provided that:

(1) The addition of any optional provision in any included contract will not be inconsistent with the standards of 39 U.S.C. 3633;

(2) The addition of any optional provision in any included contract represents a minor change to the included contract; and

(3) Each included contract that could be derived from the contract template is functionally equivalent to every other included contract that could be derived from the contract template.

(g) In order to authorize the addition of a non-published rates product to the competitive product list, the Commission must:

(1) Give due regard to:

(i) The availability and nature of enterprises in the private sector engaged in the delivery of the proposed product;

(ii) The views of those who will use the proposed product on the appropriateness of adding the proposed product to the competitive product list; and

(iii) The likely impact of adding the proposed product to the competitive product list on small business concerns; and

(2) Make the following findings:

(i) The proposed non-published rates product is a competitive product; and

(ii) The proposed non-published rates product contract template is not inconsistent with the standards of 39 U.S.C. 3633.

(h) After a non-published rates product has been approved, the Postal Service may add one or more included contracts to the product without filing a request or otherwise obtaining further approval from the Commission, provided that:

(1) The included contract does not deviate in any way from the non-published rates product contract template;

(2) No rate in any included contract is less than the corresponding minimum rate authorized in the associated streamlined-option rulemaking;

(3) The included contract bears a unique serial number; and

(4) Within 10 days after the effective date of each included contract, the Postal Service:

(i) Notifies the Commission of the effective date and scheduled expiration date of the included contract; and

(ii) Files a version of the applicable financial model updated to include all projected cost, revenue, and volume data specific to the included contract.

(i) Only the Postal Service is permitted to add an included contract to a non-published rates product.

(j) If any included contract is terminated before its scheduled expiration date, the Postal Service must inform the Commission within 7 days after such termination.

(k) If the Commission finds that the Postal Service has failed to comply with any requirements of paragraphs (h) or (j) of this section, the Commission may take any of the following actions:

(1) Require the Postal Service to request Commission approval in accordance with such terms as the Commission may specify by order, and obtain such approval, before adding any additional included contracts to non-published rates products; or

(2) Take other appropriate remedial action.

**§ 3041.325 Procedures and filing requirements for standard distinct product negotiated service agreements.**

(a) A request to add a standardized distinct product to the competitive product list must comply with the requirements of this section and the requirements of § 3035.105(a) of this chapter.

(b) A standardized distinct product may be proposed at any time during or following the pendency of a streamlined-option rulemaking proceeding considering a proposed financial model, minimum rates, and Mail Classification Schedule changes for standardized distinct products and non-published rates products.

(c) A standardized distinct product is added to the competitive product list after:

(1) Issuance of a Commission order authorizing the use of an applicable proposed financial model, minimum rates, and Mail Classification Schedule changes in a streamlined-option rulemaking; and

(2) Issuance of a Commission order approving the addition of the standardized distinct product to the competitive product list in an NSA summary proceeding.

(d) In each NSA summary proceeding, the Postal Service shall submit:

(1) A copy of the negotiated service agreement;

(2) The rate and class decision of the Postal Service Board of Governors under 39 U.S.C. 3632 relating to the proposed negotiated service agreement and the record of the proceedings in connection with such decision;

(3) A copy of the applicable sections of the Mail Classification Schedule and the proposed addition therein in legislative format;

(4) The number of the Commission order resolving the streamlined-option rulemaking proceeding applicable to the proposed negotiated service agreement;

(5) The planned effective date(s) of the planned rates.

(6) A description clearly explaining the operative components of the negotiated service agreement;

(7) An explanation of the reason for initiating the docket and of why the proposed standardized distinct product is not inconsistent with the applicable requirements of this part and any applicable Commission directives and orders;

(8) An explanation of the reasons why the addition of the standardized distinct product to the competitive product list will not result in a violation of the standards of 39 U.S.C. 3633;

(9) A description of the availability and nature of enterprises in the private sector engaged in the delivery of the postal services that are the subject of the proposed standardized distinct product;

(10) Any information available on the views of those who use, or will use, the proposed standardized distinct product on the appropriateness of the proposed standardized distinct product;

(11) A description of the likely impact of the proposed standardized distinct product on small business concerns;

(12) In lieu of the certified statement required by § 3035(c)(2) of this chapter, a sworn statement of a Postal Service executive certifying that the proposed standardized distinct product is not inconsistent with the financial model authorized for use in the applicable Commission order identified in paragraph (e)(4) of this section;

(13) In lieu of the revenue and cost data required by § 3035.105(c)(1) of this chapter, a version of the applicable financial model updated to include all projected cost, revenue, and volume data specific to the proposed product;

(14) All other supporting justification upon which the Postal Service proposes to rely; and

(15) Such other information and data, and such statements of reasons and bases, as are necessary and appropriate to fully inform the Commission of the nature, scope, significance, and impact of the proposed standardized distinct product.

(e) Only the Postal Service is permitted to propose to add a standardized distinct product to the competitive product list.

(f) In order to authorize the addition of a standardized distinct product to the competitive product list, the Commission must:

(1) Give due regard to:

(i) The availability and nature of enterprises in the private sector engaged in the delivery of the proposed product;

(ii) The views of those who will use the proposed product on the appropriateness of adding the proposed product to the competitive product list; and

(iii) The likely impact of adding the proposed product to the competitive product list on small business concerns; and

(2) Make the following findings:

(i) The proposed standardized distinct product is a competitive product; and

(ii) The proposed standardized distinct product is not inconsistent with the standards of 39 U.S.C. 3633.

#### **Subpart D—Commission Review**

##### **§ 3041.405 Docket and notice.**

(a) The Commission will issue a notice establishing a docket for each request to add a negotiated service agreement to the competitive product list under this part. The Commission will also issue notice upon receiving a request complying with the requirements of § 3041.505(b) to amend an existing negotiated service agreement. Notices issued pursuant to this paragraph will include:

(1) The general nature of the proceeding;

(2) A reference to the legal authority pursuant to which the proceeding is to be conducted;

(3) A concise description of the proposal;

(4) If applicable, the identification of an officer of the Commission to represent the interests of the general public in the docket;

(5) If applicable, a specified period for public comment; and

(6) Such other information as the Commission deems appropriate.

(b) The Commission will post the notice on its website. The Commission will promptly publish the notice in the **Federal Register**.

(c) In the case of a request to add a standardized distinct product to the competitive product list or to amend a standardized distinct product, an officer of the Commission to represent the interests of the general public will not be appointed in the docket.

(d) In the case of a request to add a standardized distinct product to the competitive product list or to amend a standardized distinct product, public comment will not be requested in the docket.

##### **§ 3041.410 Required findings.**

(a) In order to authorize the addition of a negotiated service agreement to the

competitive product list, the Commission must make the findings specified in § 3041.310, except as provided in § 3041.315, § 3041.320, and § 3041.325.

(b) [Reserved].

##### **§ 3041.415 Commission review and disposition of requests to add negotiated service agreements to the competitive product list.**

(a) The Commission will review each request to add a negotiated service agreement to the competitive product list and any responsive comments, except as set forth in § 3041.320 regarding non-published rates product included contracts. The Commission will either:

(1) Grant the request upon making the required findings;

(2) Grant the request upon making the required findings with such conditions as the Commission may consider appropriate;

(3) Deny the request; or

(4) Direct other action as the Commission may consider appropriate.

(b) Each grant of a request under paragraph (a)(1) or (a)(2) of this section is conditional upon the submission of accurate information in support of the request. Any such grant may be revoked if the Commission finds that any of the information submitted with the request contained a material misrepresentation.

#### **Subpart E—Negotiated Service Agreements on the Competitive Product List**

##### **§ 3041.505 Amendments to competitive negotiated service agreements.**

(a) Except as provided in paragraph (c) of this section, an amendment to an existing negotiated service agreement is not effective until the Commission has approved the amendment. In order to approve an amendment to an existing negotiated service agreement the Commission must find that the negotiated service agreement, as amended by the proposed amendment, is not inconsistent with the standards of 39 U.S.C. 3633.

(b) A request to amend a negotiated service agreement must include:

(1) A copy of the amendment;

(2) The planned effective date(s) of the amendment;

(3) A statement explaining the operative components of the amendment; and

(4) If the amendment changes any rates in the negotiated service agreement,

(i) The information required by 39 CFR 3035.105(a) of this chapter;

(ii) The information required by 39 CFR 3035.105(b) of this chapter; and

(iii) The information required by 39 CFR 3035.105(c) of this chapter, except that, for a request to amend a standardized distinct product, a copy of the applicable financial model updated to include all projected cost, revenue, and volume data specific to the product, as amended by the proposed amendment, must be provided.

(5) All other supporting justification upon which the Postal Service proposes to rely; and

(6) Such other information and data, and such statements of reasons and bases, as are necessary and appropriate to fully inform the Commission of the nature, scope, significance, and impact of the proposed amendment.

(c) An amendment to an existing negotiated service agreement may take effect upon filing with the Commission without Commission approval if each of the following requirements is satisfied:

(1) The Postal Service submits a notice to the Commission containing:

(i) A copy of the amendment;

(ii) The planned effective date(s) of the amendment;

(iii) A statement explaining the operative components of the amendment; and

(iv) A sworn statement from a Postal Service executive attesting that the amendment modifies the existing negotiated service agreement only in one or more of the ways specified in paragraphs (c)(2), (e)(2), or (f)(2) of this section; and

(2) The amendment modifies the existing negotiated service agreement only in one or more of the following ways:

(i) Changing the customer's name to recognize a change to the legal name of the customer;

(ii) Changing the customer's address;

(iii) Changing the name of any individual identified in the contract;

(iv) Changing notice information;

(v) Increasing any rates, prices, fees, or charges in the negotiated service agreement;

(d) Special rules regarding amending umbrella products.

(1) A baseline agreement shall not be amended, except to:

(i) Change the customer's name to recognize a change to the legal name of the customer;

(ii) Change the customer's address;

(iii) Change the name of any individual identified in the contract;

(iv) Change notice information;

(v) Extend the term of the baseline agreement in accordance with

§ 3041.515; or

(vi) Make rate changes not inconsistent with the standards of 39 U.S.C. 3633.

(2) An included contract in an umbrella product shall not be amended, unless the amendment remains functionally equivalent to the baseline agreement.

(e) Special rules regarding non-published rates products.

(1) A non-published rates contract template shall not be amended.

(2) An included contract in a non-published rates product shall not be amended, except to:

(i) Change the customer's name to recognize a change to the legal name of the customer;

(ii) Change the customer's address;

(iii) Change the name of any individual identified in the contract;

(iv) Change notice information;

(v) Make rate changes provided that the rates to be charged equal or exceed the current minimum rates approved by the Commission in the applicable streamlined-option rulemaking;

(vi) Extend the included contract's expiration date provided that the rates to be charged equal or exceed the current minimum rates approved by the Commission in the applicable streamlined-option rulemaking;

(vii) Select an alternative optional provision available in the contract template.

(3) An amendment to an existing included contract will take effect without Commission further approval upon filing with the Commission of the notice specified in paragraph (c)(1) of this section.

(f) Special rules regarding standardized distinct products.

(1) A request to amend a standardized distinct product is reviewed in an NSA summary proceeding.

(2) An amendment to an existing standardized distinct product may take effect upon filing with the Commission without Commission approval if:

(i) The Postal Service files the notice specified in paragraph (c)(1) of this section; and

(ii) The amendment modifies the existing standardized distinct product in one or more of the following ways:

(A) Changing the customer's name to recognize a change to the legal name of the customer;

(B) Changing the customer's address;

(C) Changing the name of any individual identified in the contract;

(D) Changing notice information;

(E) Extending the standardized distinct product's expiration date provided that the rates to be charged equal or exceed the current minimum rates approved by the Commission in the applicable streamlined-option rulemaking; or

(F) Implementing changes to rates provided that such changed rates equal

or exceed the current minimum rates approved by the Commission in the applicable streamlined-option rulemaking.

(g) Special rules regarding a request to amend a negotiated service agreement to extend the expiration date of the negotiated service agreement.

1. A request to amend a negotiated service agreement to extend the expiration date of the negotiated service agreement must be submitted in accordance with § 3041.515.

2. A proceeding considering a request to amend a negotiated service agreement to extend the expiration date of the negotiated service agreement is not a public proceeding.

(h) When a general rule conflicts with a special rule in this section, the special rule shall take precedence.

#### **§ 3041.510 Renewals of competitive negotiated service agreements.**

(a) A renewal of a negotiated service agreement is deemed a new negotiated service agreement.

(b) A renewal of a competitive negotiated service agreement will be added to the competitive product list pursuant to the applicable rules for adding a new negotiated service agreement to the competitive product list.

#### **§ 3041.515 Extensions**

(a) A negotiated service agreement may be extended prior to its expiration date upon one of the following:

1. Timely filing of notice with the Commission of the valid exercise of an extension right in the negotiated service agreement; or

2. Approval by the Commission of a timely filed amendment extending the expiration date of the negotiated service agreement.

(b) For the purposes of paragraph (a) of this section, a notice or amendment is timely filed if it is filed at least 10 days prior to the expiration of the negotiated service agreement.

(c) Upon expiration, a negotiated service agreement shall be removed automatically from the competitive product list.

(d) No negotiated service agreement shall remain on the competitive product list following its expiration. An expired negotiated service agreement shall not be extended retroactively.

(e) Notwithstanding any other rule in this chapter, the prohibitions in paragraph (d) of this section shall not be waived.

#### **§ 3041.520 Terminations**

(a) The Postal Service shall file notice of the termination of a negotiated

service agreement within 7 days after such termination.

(b) Upon termination, a negotiated service agreement shall be removed automatically from the competitive product list. No negotiated service agreement shall remain on the competitive product list after its termination.

### **Subpart F—Negotiated Service Agreement Reporting and Compliance**

#### **§ 3041.605 Competitive negotiated service agreement reporting requirements.**

(a) The Postal Service must file, on a quarterly basis, a summary spreadsheet listing all negotiated service agreements active during any part of the prior quarter. Negotiated service agreements must be listed by Mail Classification Schedule section or in such other way as the Commission requires by order. Such spreadsheet must identify all extensions, expirations, and terminations of negotiated service agreements and any other information the Commission requires by order.

(b) A report is due within 7 days after the last day of each quarter of the fiscal year.

(c) Upon finding that any report contains significant omissions, inaccuracies, or other deficiencies, the Commission may take any of the following actions:

1. Require the Postal Service to file such reports on a more frequent basis;

2. Require a Postal Service executive to submit a sworn statement attesting to the accuracy and completeness of each subsequent report; and

3. Impose other conditions the Commission finds reasonable and appropriate to ensure the accuracy and completeness of such reports.

By the Commission.

**Jennie Jbara,**

*Alternate Certifying Officer.*

[FR Doc. 2024-02281 Filed 2-6-24; 8:45 am]

**BILLING CODE 7710-FW-P**

## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Part 76**

**[MB Docket No. 24-20; FCC 24-2; FR ID 198390]**

### **Customer Rebates for Undelivered Video Programming During Blackouts**

**AGENCY:** Federal Communications Commission

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In this document, the Federal Communications Commission



(Commission) seeks comment on whether to require cable operators and direct broadcast satellite (DBS) providers to give their subscribers rebates when those subscribers are deprived of video programming they expect to receive during programming blackouts that result from failed retransmission consent negotiations or failed non-broadcast carriage negotiations. When such blackouts occur, subscribers often pay the same monthly subscription fee for a service package that does not include all of the channels for which they signed up to receive. In other words, consumers are paying for a service that they are no longer receiving in full. This proceeding seeks comment on whether and how we should address this customer service shortcoming. We also seek comment on how the market addresses this issue currently.

**DATES:** Submit comments on or before March 8, 2024. Submit reply comments on or before April 8, 2024.

**ADDRESSES:** You may submit comments, identified by MB Docket No. 24–20, by any of the following methods:

- *Electronic Filers.* Comments may be filed electronically by accessing ECFS at: <http://apps.fcc.gov/ecfs/>. Follow the instructions for submitting comments.

- *Paper Filers.* Parties who choose to file by paper must file an original and one copy of each filing. Paper filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.

- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings.

- *People With Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202–418–0530 or TTY: 202–418–0432.

In addition to filing comments with the Secretary, a copy of any comments on the Paperwork Reduction Act proposed information collection requirements contained herein should be submitted to the Federal

Communications Commission via email to [PRA@fcc.gov](mailto:PRA@fcc.gov) and to Cathy Williams, FCC, via email to [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information on this proceeding, contact Brendan Murray, [Brendan.Murray@fcc.gov](mailto:Brendan.Murray@fcc.gov), of the Policy Division, Media Bureau, (202) 418–1573.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Notice of Proposed Rulemaking*, (NPRM) FCC 24–2, adopted on January 10, 2024, and released on January 17, 2024. These documents will be available via ECFS (<http://www.fcc.gov/cgb/ecfs/>). (Documents will be available electronically in ASCII, Word, and/or Adobe Acrobat.) To request these documents in accessible formats for people with disabilities, send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

*Background.* The Communications Act of 1934, as amended (the Act), requires that cable operators and satellite TV providers obtain a broadcast TV station's consent to lawfully retransmit the signal of a broadcast station to subscribers. Commercial stations may either demand carriage pursuant to the Commission's must carry rules or elect retransmission consent and negotiate for compensation in exchange for carriage. If a station elects retransmission consent but is unable to reach agreement for carriage, or the parties to an existing retransmission consent agreement do not extend, renew, or revise that agreement prior to its expiration, the cable operator or DBS provider loses the right to carry the signal. The same is true if a cable operator or DBS provider cannot negotiate for carriage with a non-broadcast network. In both cases, the result is a blackout of that existing programming on the platform. When these blackouts occur, the cable operator or DBS provider's subscribers typically lose access to the station or network's entire signal on the platform, including both the national and local programming provided by the broadcaster, unless and until the parties are able to reach an agreement.

Over the past decade, data indicates that the number of blackouts resulting from unsuccessful retransmission consent negotiations has increased dramatically. These blackouts often frustrate subscribers because they lose access to programming from their cable operator or DBS provider that they had

previously received. A leading cause of these disputes is disagreements over per-subscriber programming fees. However, subscribers may not see rebates or bill reductions during the carriage dispute when the cable operator or DBS provider does not carry the broadcast TV station, even though many cable operators and DBS providers charge a fee on subscribers' bills that purportedly pays programmers for subscriber access to the broadcast signal or network.

*Discussion.* We seek comment on whether and how to require cable operators and DBS providers to give their subscribers rebates when they blackout a channel due to a retransmission consent dispute or a failed negotiation for carriage of a non-broadcast channel. In the event that we adopt such a requirement, we seek comment below on (i) how to apply the rule, (ii) whether to specify the method that cable operators and DBS providers use to offer the rebates and if so, how they should issue rebates, (iii) our authority to adopt a rebate rule, (iv) how to enforce a rebate rule, (v) the costs and benefits of such a rule, and (vi) the effects that such a rule would have on digital equity and inclusion. We also invite comment on any other proposals to ensure that subscribers are made whole when they lose access to programming that they expected to receive in exchange for paying a monthly subscription fee when they signed up for service.

We seek comment on this proposal at this time because, as discussed above, data indicates that the number of blackouts has increased dramatically in the last several years. Why is this? Is increased consolidation in either the broadcaster or MVPD market leading to an increase in blackouts? Has the proliferation of streaming services, including live linear streaming services (vMVPDs) impacted the amount or duration of blackouts, as these services may provide subscribers with alternative viewing options during a carriage dispute? Are broadcasters or programmers with certain categories of programming (e.g. sports) more likely to have negotiations that result in blackouts? Are there certain broadcasters or MVPDs whose negotiations result in blackouts more frequently than others? Are there proposals we should consider to incentivize both broadcasters/programmers and distributors to limit programming blackouts?

*Applicability.* We seek comment on whether to require cable operators and DBS providers to provide rebates if they blackout video channels due to a

retransmission consent dispute or a failed negotiation for carriage of a non-broadcast channel. Below, we seek comment on whether various provisions of the Act give us authority to require cable operators and DBS providers to give their subscribers rebates when the operator or providers ceases to carry a channel due to a retransmission consent or program carriage dispute; given that the authority upon which we base this proposal is cable and DBS-specific, are those the only entities to which this proposal should apply? If we were to require cable operators and DBS providers to give rebates to subscribers who are deprived of programming they expected to receive, should the rule apply to any channel that is blacked out? What if the parties never reach an agreement for carriage? Would subscribers be entitled to rebates in perpetuity and how would that be calculated? Or should the rebate end when the subscriber renews the contract if the channel is still blacked out at the time of renewal? Similarly, if a subscriber initiates service during a blackout, would that subscriber be entitled to a rebate or a lower rate? Does the “good faith” negotiation requirement in section 325 of the Act confer unique status on broadcast channels that provides a basis to distinguish broadcast and broadcast-affiliated channels (that is, those channels that are owned by a company that also holds or controls broadcast licenses) from non-broadcast or independent channels? That is, does the “good faith” negotiation requirement make an eventual carriage agreement more likely, and therefore suggest that a rebate would be temporary? If so, should this affect whether the rebate policy should apply to such entities, and why? To the extent that the existing terms of service between a cable operator or DBS provider and its subscriber specify that the cable operator or DBS provider is not liable for credits or refunds in the event that programming becomes unavailable, we seek comment on whether to deem such provisions unenforceable if we were to adopt a rebate requirement.

**Rebates.** We seek comment on how cable operators and DBS providers currently handle this issue. Are there providers who currently provide subscribers with rebates or credits during a programming blackout? If so, does the provider proactively grant that rebate or credit to all subscribers affected, or is the subscriber required to affirmatively request it? How is the rebate or credit calculated? Are there providers who grant rebates or credits

for the blackout of certain channels, but not of others? What are the deciding factors in such a case? Are there providers who do not grant rebates or credits during blackouts? If so, what is their rationale? How would requiring cable operators and DBS providers to provide rebates or credits change providers’ current customer service relations during a blackout?

We seek comment on how to calculate the rebate to which a subscriber is entitled after a channel is blacked out and what methodology should be used. Would it be reasonable to require a cable operator or DBS provider to rebate the cost that it paid to the programmer to retransmit or carry the channel prior to the carriage impasse? We understand that carriage contracts can be complex; for example, rates may depend on the number of subscribers reached and the number of bundled channels being carried, video service providers can receive advertising time in exchange for carriage, providers’ profits for specific channels may vary depending on the packages and bundles that they offer, and specific per-subscriber rates may be confidential. Given these complexities, are there specific nuances that we could adopt as part of a rule to ensure that subscribers are made whole when they lose access to a channel? Should we instead simply require cable operators and DBS providers to provide a rebate or credit to the consumer that in good faith approximates the value of the consumer’s access to the channel? Should the Commission specify the method for providing the rebate?

**Authority.** We tentatively conclude that sections 335 and 632 of the Act provide us with authority to require cable operators and DBS providers to issue a rebate to their subscribers when they blackout a channel. The Commission has relied on this authority to propose and adopt cable customer service regulations for decades, and recently proposed to use this authority to adopt a customer service rule that would apply to DBS as well as cable.

We tentatively conclude that the broad authority we have to adopt “public interest or other requirements for providing video programming” under section 335(a) permits us to require DBS providers to give subscribers rebates for blackouts. Section 335(a) authorizes the Commission to impose on DBS providers public interest requirements for providing video programming. Although section 335(a) requires the Commission to adopt certain statutory political broadcasting requirements for DBS providers, the statute is clear that this list is not exhaustive. We

tentatively find that requiring rebates for service interruptions due to blackouts pertains to the “provi[sion] of video programming” and is in the public interest because the proposed rule would prevent DBS subscribers from being charged for services for the period that they did not receive them.

Moreover, we tentatively find that a rebate requirement would ensure that DBS subscribers are made whole when they face interruptions of service that are outside their control. Accordingly, we tentatively conclude that we have authority under section 335(a) to apply our proposed rule to DBS providers. We seek comment on these tentative findings and conclusions. We also seek comment on whether there are alternative or additional statutes or arguments that provide a legal basis for our authority to adopt these requirements for DBS providers. For example, do we have authority under other provisions of Title III?

We also seek comment on whether we have—and should exercise—ancillary authority under section 4(i) of the Act to extend our proposed rule to DBS providers and whether it is necessary to undertake this regulation for the Commission to effectively perform its responsibilities under the foregoing primary sources of statutory authority. Applying the rebate requirement to such providers would ensure uniformity of regulation between and among cable operators (regulated under Title VI and by various state consumer protection laws and local franchising provisions) and DBS providers (under Title III), thereby preventing DBS from gaining a competitive advantage over their competitors because they will not be required to provide rebates to their subscribers for loss of service due to blackouts.

We tentatively conclude that section 632—which directs the Commission to “establish standards by which cable operators may fulfill their customer service requirements”—grants us the authority to adopt a rebate requirement that would apply to cable operators. Sections 632(b)(2) and (b)(3) direct the Commission to establish standards governing “outages” and “communications between the cable operator and the subscriber (including standards governing bills and refunds).” Although the statute does not define the term “outages,” we tentatively find that Congress intended that term to apply not only to a complete system failure but to broadly cover any interruption of service under the requirements of 632(b)(2). Moreover, because our proposed rules seek to address cable operators’ billing and refund practices

concerning blacked out programming, we tentatively conclude that these are customer service matters within the meaning of section 632(b)(3). We tentatively find that this interpretation is supported by the legislative history. Specifically, when Congress adopted section 632, it directed us to “provide guidelines governing the provision of rebates and credits to customers due to system failures or other interruptions of service.” From a subscriber’s perspective, when a cable operator blacks out a signal over failed carriage negotiations, we tentatively find it to be an interruption of service—that is an “outage” within the meaning of (b)(2): the subscriber is paying for a service in exchange for a particular package of channels, and that particular package of channels is no longer available in full for a period of time. Regardless of whether the outage is due to a technical issue, a breakdown in retransmission consent negotiations, or for some other reason, we tentatively find that the subscriber’s service interruption may be regulated under (b)(2), and entitled to a rebate. We tentatively find that we are also authorized under (b)(3) to require the cable operator to provide a rebate to the affected subscriber for the service loss during that period. In addition, we tentatively find that we may regulate blackout-related rebates under our general authority in 632(b) to establish “customer service” standards. Although the term “customer service” is not defined in the statute, the legislative history defines the term “customer service” to mean “in general” “the direct business relation between a cable operator and a subscriber,” and goes on to explain that “customer service requirements” include requirements related to “rebates and credits to consumers.” We tentatively conclude that the proposed rebate requirement satisfies the definition of a “customer service requirement” because billing practices governing an interruption of service, such as blackouts, involve the “direct business relation between a cable operator and a subscriber.” Furthermore, the list of topics Congress required the Commission to address in terms of customer service was not exhaustive. We tentatively conclude that blackout-related rebates are precisely the type of customer service concerns that Congress meant to address when it enacted section 632. Thus, we tentatively find that our proposed rules are within the statute’s grant of authority. We seek comment on this analysis.

We acknowledge that section 623 of the Act limits our authority to regulate

rates for cable service in areas where effective competition exists, and that nearly all cable operators now face effective competition and are not subject to rate regulation. However, there is no such limitation in section 632’s customer service provision. Furthermore, the availability of other service providers offering video programming in the franchise area may provide some prospective options for subscribers, or some deterrent effect for the conduct we aim to address, but we tentatively find that does not prevent a cable operator offering services under an existing contract from charging a subscriber for a channel that carries no programming due to a business dispute that is at least somewhat within the purview of the cable operator to resolve. We tentatively conclude that a rebate requirement for interruption of service due to blackouts would not be rate regulation. The statute does not define the term “rates” or explain the meaning of the phrase “rates for the provision of cable service” for purposes of section 623. Recent court decisions distinguish prohibited rate regulations from regulations similar to the one we propose here that provide basic protections for cable customers. In *Spectrum Northeast, LLC v. Frey*, the First Circuit upheld a Maine regulation that requires cable operators to issue prorated credits or rebates for the days remaining in a billing period after a subscriber terminates cable service. The court determined that the federal preemption of cable rate regulation “did not extend to the regulation of termination rebates” and concluded that the Maine law is not a law governing “rates for the provision of cable service” but rather is a “consumer protection law” that is not preempted. The New Jersey Supreme Court also recently upheld a similar New Jersey statute. In *Matter of Altice*, the Supreme Court of New Jersey concluded that a requirement that cable operators issue refunds for the remaining days in a billing cycle is not rate regulation because “the plain and ordinary meaning of rate regulation . . . is not so broad as to encompass all laws that affect or concern cable prices.” Both cases involved requirements that addressed cable operator charges to subscribers for services that were no longer being provided to the subscriber. Here, too, our proposed requirement would prohibit cable operators from charging subscribers for the period of time that particular programming is not being provided by the cable operator. That contrasts with our common understanding of rate regulation, which

is when the government sets “the amount charged for a particular product . . . as defined by a particular unit of measurement in relation to the product.” Our proposal contains no limits on the amount that a cable operator may charge for a channel; rather, it would simply require the operator to rebate the amount it charges if it does not deliver the product. Accordingly, we tentatively conclude that the courts’ logic in *Spectrum Northeast, LLC v. Frey* and *Matter of Altice* applies to the rebate requirements for blackouts. We seek comment on this analysis.

We also tentatively conclude that our proposal to require rebates in the event of a blackout is consistent with Section 624(f) of the Act, which provides that “[a]ny Federal agency . . . may not impose requirements regarding the provision or content of cable services, except as expressly provided in this subchapter.” As an initial matter, we tentatively conclude that our proposed rebate requirement is authorized by Section 632, as noted above. In any event, we note that courts have interpreted Section 624(f) to prohibit regulations that are based on the content of cable programming (e.g., requirements to carry or not carry certain programming). Because the blackout rebate proposal is not content-based (that is, it does not require the cable operator to carry or not carry certain programming), we tentatively conclude it does not violate Section 624(f). We seek comment on this analysis.

As noted above, based on the language and structure of section 632, Congress authorized the Commission to establish customer service requirements for cable operators, and franchising authorities to adopt additional laws above and beyond the Commission’s baseline requirements. Therefore, we tentatively find that our proposed rule for cable operators would not preempt state and local laws applied to cable operators that require rebates for blackouts or otherwise exceed the requirements we adopt in this proceeding, so long as they are not inconsistent with Commission regulations. We seek comment on this analysis.

**Enforcement.** The Commission shares authority over cable customer service issues under the Act: “the Commission sets baseline customer service requirements at the federal level, and state and local governments tailor more specific customer service regulations based on their communities’ needs.” Given the bifurcated authority we share with state and local governments, we

seek comment on how best to enforce a rebate rule. Do state and local authorities have adequate resources to effectively enforce these rules? If not, is the Commission best equipped to enforce a rebate requirement based on consumer complaints? Is there a better enforcement mechanism to ensure that subscription video providers provide their subscribers with rebates or credit? Given our shared jurisdiction over cable customer service issues, we seek specific comment from State and local authorities regarding their local subscriber complaints and regulation experiences with respect to service interruptions due to blackouts. What is the most effective way to enforce a requirement applicable to DBS providers?

**Cost/Benefit Analysis.** We invite commenters to address the costs and benefits of requiring cable operators and DBS providers to offer rebates to their subscribers when those subscribers are deprived of video programming for which they paid. What are the burdens and costs of providing rebates? Would the benefits to subscribers outweigh any such costs and burdens? Are the costs and benefits different for small cable entities, and if so, should we impose different obligations on those entities? How would requiring cable operators and DBS providers to offer rebates affect carriage negotiations with broadcast stations and non-broadcast programmers? Specifically, how would this policy affect the likelihood of blackouts, the duration of blackouts if they were to occur, and the carriage fee ultimately negotiated?

**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.

**Procedural Matters. Ex Parte Rules—Permit-But-Disclose.** 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. Memoranda must contain a summary of the substance of the ex parte presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. 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 section 1.1206(b) of the rules. In proceedings governed by section 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.

**Providing Accountability Through Transparency Act.** The Providing Accountability Through Transparency Act requires each agency, in providing notice of a rulemaking, to post online a brief plain-language summary of the proposed rule. Accordingly, the Commission will publish the required summary of this Notice of Proposed Rulemaking on: <https://www.fcc.gov/proposed-rulemakings>.

**Filing Requirements—Comments and Replies.** Pursuant to sections 1.415 and 1.419 of the Commission's rules, 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: <http://apps.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 commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.

Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.

**Regulatory Flexibility Act.** 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, we have prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning the possible/potential impact of the rule and policy changes contained in this Notice of Proposed Rulemaking. Written public comments are requested on the IRFA. Comments must have a separate and distinct heading designating them as responses to the IRFA and must be filed by the deadlines for comments on the first page of this document.

As required by the Regulatory Flexibility Act of 1980, as amended, the Commission has prepared this IRFA of the possible significant economic impact on a substantial number of small entities by the policies and rule changes proposed in the Notice of Proposed Rulemaking (NPRM). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified in the NPRM. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy

of the Small Business Administration (SBA).

*Need for, and Objectives of, the Proposed Rules.* In the NPRM, we address whether subscriber rebates should be offered by cable operators or direct broadcast satellite (DBS) providers in instances where those operators and providers fail to agree on carriage terms with a broadcaster or programming network and, as a result of the dispute, subscribers lose access to the channels over which the parties are negotiating. At present, the resulting subscriber blackouts lead to subscribers often paying the same monthly subscription fee for a service package that does not include all of the channels that expected to receive when signing up for service. The NPRM aims to address that customer service shortcoming, as well as address how such a rebate program could be implemented in a manner that does not create undue economic hardship to small and other entities in their efforts at compliance with the rules proposed in the NPRM, should they be adopted.

*Legal Basis.* The proposed action is authorized pursuant to sections 1, 4(i), 4(j), 303, 335(a), and 632(b) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 303, 335(a), and 552(b).

*Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply.* The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the 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 which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Act. Below, we provide a description of the impacted small entities, as well as an estimate of the number of such small entities, where feasible.

*Cable Companies and Systems (Rate Regulation Standard).* The Commission has developed its own small business size standards 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.

*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 the cable subscriber count established in a 2001 Public Notice. 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.

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

(cable) audio and video programming distribution; and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.

The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that 3,054 firms operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Based on this data, the majority of firms in this industry can be considered small under the SBA small business size standard. According to Commission data however, only two entities provide DBS service, DIRECTV 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.

*Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities.* The NPRM does not specifically propose any new or modified reporting or record keeping requirements for small entities, although comments we receive in response to the NPRM may potentially lead to new compliance requirements in the future. The NPRM seeks comment on whether to require cable operators and DBS providers to give subscribers rebates for channels that are not provided due to a breakdown in retransmission consent negotiations. If subscriber rebates are implemented, the Commission will need to determine how small and other entities may comply with any adopted rules, what the method used to offer rebates should be, and how such rebates could be issued to their subscribers.

In assessing the cost of compliance for small entities, at this time the Commission is not in a position to determine whether, if adopted, our proposals and the matters upon which we seek comment will require small entities to hire professionals to comply with the proposed rules in the NPRM, and cannot quantify the operational and implementation costs of compliance with the potential rule changes discussed herein. To help the Commission more fully evaluate the cost of compliance, in the NPRM we seek comment on the costs and benefits of these proposals. We expect the comments that we receive from the

parties in the proceeding, including cost and benefit analyses, will help the Commission identify and evaluate compliance costs and burdens for small entities.

*Steps Taken to Minimize the Significant Economic Impact on Small Entities and Significant Alternatives Considered.* The RFA requires an agency to describe any significant, specifically small business, alternatives 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.”

At this time, the Commission is not aware of any revisions or new requirements that, if adopted, would impose a significant economic impact or burdens on small entities. The NPRM invites comment on how to accommodate entities for which compliance with the proposed rules would pose an undue hardship.

The Commission expects to more fully consider the economic impact and alternatives for small entities following the review of comments and costs and benefits analyses filed in response to the NPRM. The Commission’s evaluation of this information will shape the final alternatives it considers, the final conclusions it reaches, and any final actions it ultimately takes in this proceeding to minimize any significant economic impact that may occur on small entities.

*Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules.* None.

Paperwork Reduction Act. This document may contain proposed new and modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on any information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information

collection burden for small business concerns with fewer than 25 employees.

*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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice).

Accordingly, it is ordered that, pursuant to the authority contained in sections 1, 4(i), 4(j), 303, 335(a), 632(b) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 303, 335(a), and 552(b) this Notice of Proposed Rulemaking is adopted. It is further ordered that the Commission’s Office of the Secretary SHALL SEND a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary.*

[FR Doc. 2024–02097 Filed 2–6–24; 8:45 am]

BILLING CODE 6712–01–P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS–HQ–ES–2021–0106; FF09E21000 FXES1111090FEDR 245]

#### Endangered and Threatened Wildlife and Plants; Finding for the Gray Wolf in the Northern Rocky Mountains and the Western United States

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notification of finding.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce a finding on the gray wolf (*Canis lupus*) in the Northern Rocky Mountains (NRM) and in the Western United States. After a thorough review of the best available scientific and commercial data, we find that gray wolves within the NRM area do not, on their own, represent a valid listable entity; therefore, the NRM is not warranted for listing under the Endangered Species Act of 1973, as amended (Act). We find that the gray wolf in the Western United States is a valid listable entity; however, the gray wolf in the Western United States does not meet the definition of an endangered species or a threatened species. Thus, we find that listing the gray wolf in the Western United States is not warranted at this time.

**DATES:** The finding in this document was made on February 7, 2024.

**ADDRESSES:** This finding and the supporting information that we developed for this finding, including the species status assessment (SSA) report and species assessment form, are available on the internet at <https://www.regulations.gov> at Docket No. FWS–HQ–ES–2021–0106. Please submit any new information, materials, comments, or questions concerning this finding to the appropriate person, as specified under **FOR FURTHER INFORMATION CONTACT**.

#### FOR FURTHER INFORMATION CONTACT:

Marjorie Nelson, Acting Assistant Regional Director, Ecological Services Mountain-Prairie Region, 720–582–3524, [marjorie\\_nelson@fws.gov](mailto:marjorie_nelson@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:

##### Previous Federal Actions

Gray wolves were originally listed as subspecies or as regional populations of subspecies in the lower 48 United States and Mexico. We detail these various original rulemakings in the November 3, 2020, rule delisting the gray wolf throughout much of its range in the lower 48 States and Mexico (85 FR 69778).

In 1978, we published a rule reclassifying the gray wolf in Minnesota as a threatened species and gray wolves elsewhere in the lower 48 United States and Mexico as an endangered species. We later revised this listing by designating the population of gray wolves in the NRM, including Idaho, Montana, and Wyoming, the eastern one-third of Oregon and Washington, and a small portion of north-central Utah, as a Distinct Population Segment (DPS) and, following legal challenges and several rulemakings, ultimately delisting this population due to recovery (74 FR 15123, April 2, 2009; 76 FR 25590, May 5, 2011; 77 FR 55530, September 10, 2012; 82 FR 20284, May 1, 2017). Since delisting, gray wolves in the NRM have been managed by the States and Tribes.

On November 3, 2020, we published a final rule removing the Act’s protections for gray wolves everywhere they were listed in the lower 48 States and Mexico, not including the Mexican

wolf subspecies (*Canis lupus baileyi*) (85 FR 69778). The rule took effect January 4, 2021.

On June 1, 2021, we received a petition from the Center for Biological Diversity, the Humane Society of the United States, Humane Society Legislative Fund, and the Sierra Club requesting that the gray wolf in the NRM be emergency listed as a threatened species or an endangered species under the Act. The petition included, as an alternative option, a request that we list a Western DPS of gray wolf that would include all of California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, and, if the Service chose to include them, Arizona and New Mexico, north of Interstate 40 (first petition). The Act does not provide a process to petition for emergency listing; therefore, we evaluated this petition under the normal process of determining if it presented substantial scientific or commercial information indicating that the petitioned action may be warranted.

On July 29, 2021, we received a petition from Western Watersheds Project and 70 other organizations requesting that gray wolves in Idaho, Montana, Wyoming, Utah, Oregon, Washington, Colorado, California, Nevada, and northern Arizona be listed as an endangered species under the Act (second petition). On August 10, 2021, we received an addendum to the second petition, which provided minor clarifications and corrections to the original petition but did not change the scope of the petitioned entity.

On September 17, 2021, we published a 90-day finding (86 FR 51857) concluding that both petitions contained substantial information indicating that the petitioned actions may be warranted, and we initiated a status review to determine whether the petitioned actions were warranted.

On February 10, 2022, the gray wolf 2020 final delisting rule was vacated and remanded by the U.S. District Court for the Northern District of California. (*Defenders of Wildlife v. US Fish and Wildlife Service*, No. 21–00344 (N.D. Cal.), *WildEarth Guardians v. Bernhardt*, No. 21–00349 (N.D. Cal.), *NRDC v. U.S. Department of the Interior*, No. 21–00561 (N.D. Cal.)). On November 3, 2023, we published a final rule to comply with the district court's order (88 FR 75506). As a result, all gray wolves in the lower 48 States, outside of the NRM, are currently listed under the Act. The court's decision was specific to the gray wolf and does not affect the separate endangered listing of the Mexican wolf subspecies.

On March 1, 2022, we received a petition from the International Wildlife Coexistence Network and nine other organizations requesting that a DPS of the gray wolf in the NRM or in the Western United States be emergency listed under the Act. As stated previously, we evaluate petitions requesting emergency listing under our normal petition review process. However, because we were actively engaged in a status review of the entities for which the petitioners requested listing, we did not issue a 90-day finding; rather, we evaluated the information provided by the petitioners in the context of this status review.

On August 9, 2022, petitioners (June 1, 2021 petition) filed a lawsuit to compel us to complete a 12-month finding on their petition (*Center for Biological Diversity et al. v. U.S. Department of the Interior et al.* No. 22–00134 (D. MT)). On March 31, 2023, the parties entered into a settlement agreement under which the Service agreed that, on or before February 2, 2024, we would submit to the **Federal Register** a determination as to whether listing a Northern Rocky Mountains DPS or a Western United States DPS of the gray wolf as a threatened species or an endangered species is warranted, not warranted, or warranted but precluded by other pending proposals.

### Background

Under section 4(b)(3)(B) of the Act (16 U.S.C. 1531 *et seq.*), we are required to make a finding, within 12 months after receiving any petition that we have determined contains substantial scientific or commercial information indicating that the petitioned action may be warranted, as to whether the petitioned action is warranted, not warranted, or warranted but precluded by other pending proposals (known as a “12-month finding”). We must publish a notification of this 12-month finding in the **Federal Register**.

### Listable Entity Requirements

Under the Act, the term “species” includes any subspecies of fish or wildlife or plants, and any distinct population segment of any vertebrate fish or wildlife which interbreeds when mature (16 U.S.C. 1532(16)). To interpret and implement the distinct population segment (DPS) provisions of the Act, the Service and the National Oceanic and Atmospheric Administration published in the **Federal Register** the Policy Regarding the Recognition of Distinct Vertebrate Population Segments Under the Endangered Species Act on February 7, 1996 (61 FR 4722) (DPS Policy). Under

the DPS Policy, we consider three elements to determine whether to classify a population of a vertebrate species as a DPS: (1) the discreteness of the population segment in relation to the remainder of the species to which it belongs; (2) the significance of the population segment to the species to which it belongs; and (3) the population segment's conservation status in relation to the Act's standard for listing, delisting, or reclassification. Both discreteness and significance are used to determine whether the population segment constitutes a valid DPS. If it does, then the population segment's conservation status is used to consider whether the DPS warrants listing.

### Summary of Biological Information

Gray wolves are the largest wild members of the *Canidae* or dog family (Mech 1974, pp. 11–12). Gray wolves have a circumpolar range including North America, Europe, and Asia. In the Western United States, the gray wolf currently occurs in one interconnected metapopulation with packs distributed across California, Idaho, Montana, Oregon, Washington, and Wyoming, and, more recently, wolves have been documented in Colorado (Service 2023, pp. 13–16).

Gray wolves are highly territorial, social animals and group hunters, normally living in packs with high reproductive capacity (Mech 1970, pp. 38–43; Mech and Boitani 2003, p. 8; Paquet and Carbyn 2003, pp. 485–486; Stahler et al. 2020, p. 46). Gray wolves are habitat generalists, meaning they can thrive in a variety of habitats and consume a diversity of prey species (though wolves are primarily predators of medium and large mammals) (Mech and Boitani 2003, p. 163). In general, to maintain populations in the wild over time, wolves in the Western United States need well-connected and genetically diverse subpopulations that function as a metapopulation distributed across enough of their range to be able to withstand stochastic events, rebound after catastrophes (*e.g.*, severe disease outbreaks), and adapt to changing environmental conditions (Service 2023, p. 29).

### Summary of Information Pertaining to the Five Factors

Section 4 of the Act (16 U.S.C. 1533) and the implementing regulations at part 424 of title 50 of the Code of Federal Regulations (50 CFR part 424) set forth procedures for adding species to, removing species from, or reclassifying species on the Lists of Endangered and Threatened Wildlife and Plants (Lists). The Act defines



“species” as including any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature (16 U.S.C. 1532(16)). The Act defines an “endangered species” as any species that is in danger of extinction throughout all or a significant portion of its range (16 U.S.C. 1532(6)), and a “threatened species” as any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range (16 U.S.C. 1532(20)). Under section 4(a)(1) of the Act, a species may be determined to be an endangered species or a threatened species because of any of the following 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.

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species’ continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.

We use the term “threat” to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term “threat” includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term “threat” may encompass—either together or separately—the source of the action or condition or the action or condition itself.

However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an “endangered species” or a “threatened species.” In determining whether a species meets either definition, we must evaluate all identified threats by considering the expected response by the species, 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 Act’s definition of an “endangered species” or a “threatened species” only after conducting this cumulative analysis and describing the expected effect on the species now and in the foreseeable future.

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. The term “foreseeable future” extends only so far into the future as we can reasonably determine that both the future threats and the species’ responses to those threats are likely. In other words, the foreseeable future is the period of time in which we can make reliable predictions. “Reliable” does not mean “certain”; it means sufficient to provide a reasonable degree of confidence in the prediction. Thus, a prediction is reliable if it is reasonable to depend on it when making decisions.

It is not always possible or necessary to define the foreseeable future as a particular number of years. Analysis of the foreseeable future uses the best scientific and commercial data available and should consider the timeframes applicable to the relevant threats and to the species’ likely responses to those threats in view of its life-history characteristics. Data that are typically relevant to assessing the species’ biological response include species-specific factors such as lifespan, reproductive rates or productivity, certain behaviors, and other demographic factors.

In conducting our evaluation of the five factors in section 4(a)(1) of the Act to determine whether the gray wolf in the Western United States meets the Act’s definition of an “endangered species” or “threatened species,” we considered and thoroughly evaluated the best scientific and commercial information available regarding the past, present, and future stressors and threats. We reviewed the petitions, information available in our files, and other available published and unpublished information for the gray wolf in the Western United States. Our evaluation included information from recognized experts; Federal, State, and Tribal

governments; academic institutions; foreign governments; private entities; and other members of the public.

This document announces the not-warranted finding for the gray wolf in the NRM and the gray wolf in the Western United States, in accordance with the regulations at 50 CFR 424.14(h)(2)(i). In this document, we have also elected to include a summary of the analysis on which this finding is based. We provide the full analysis, including our rationale and the data on which the finding is based, in the decisional file for the action in this document. The following is a description of the documents containing this full analysis:

The species assessment form contains detailed biological information; a thorough analysis of the listing factors; an explanation of why we determined (1) the gray wolf in the NRM is not a valid listable entity and (2) the gray wolf in the Western United States is a valid listable entity, but this entity does not meet the Act’s definition of an “endangered species” or a “threatened species”; and a list of literature cited. To inform our status review, we completed an SSA Report for the gray wolf in the Western United States (Service 2023, entire). The SSA contains a thorough review of the taxonomy, life history, ecology, current condition, and projected future condition for the gray wolf in the Western United States. This supporting information can be found on the internet at <https://www.regulations.gov> at Docket No. FWS-HQ-ES-2021-0106 (see **ADDRESSES**, above).

Our analysis for this decision applied our current regulations, portions of which were last revised in 2019. Given that we proposed further revisions to these regulations on June 22, 2023 (88 FR 40764), we have also analyzed whether the decision would be different if we were to apply those proposed revisions. We concluded that the decision would have been the same if we had applied the proposed 2023 regulations. The analysis under both the regulations currently in effect and the regulations after incorporating the June 22, 2023, proposed revisions are included in our decision file for this action.

#### *Gray Wolf in the NRM*

#### Summary of Finding

After a thorough review of the best available scientific and commercial data, we determined that gray wolves within the boundaries of the NRM DPS described in our 2009 rule (*i.e.*, Idaho, Montana, and Wyoming, the eastern

one-third of Oregon and Washington, and a small portion of north-central Utah) no longer constitute a valid DPS. Gray wolves in the NRM are not markedly separated from other populations of the taxon outside of the NRM western boundary (*i.e.*, the wolves in the eastern one-third of Oregon and Washington are not markedly separated from the wolves in California and the western two-thirds of Oregon and Washington) and, therefore, the NRM does not meet the “discreteness” element of the DPS Policy as a consequence of physical, physiological, ecological, or behavioral factors (61 FR 4722, February 7, 1996). Thus, we find that gray wolves in the NRM area do not, on their own, represent a valid DPS and we do not consider the status of gray wolves in the NRM area as a separately listable entity. However, we considered the status of gray wolves in the NRM area in the context of our significant portion of the range analysis for the gray wolf in the Western United States (see below). A detailed discussion of the basis for this finding can be found in the species assessment form and other supporting documents (see **ADDRESSES**, above).

#### *Gray Wolf in the Western United States* Summary of Finding

Based on our review of the best available scientific data, we determined that the gray wolf in the Western United States is a DPS. We find that the gray wolf in the Western United States meets both possible discreteness criteria of our DPS Policy: (1) it is markedly separated, genetically and physically, from other populations of the taxon (*i.e.*, wolves in the Great Lakes area and “coastal wolves”); and (2) it is delimited by international governmental boundaries (the United States and Canada border) within which differences in control of exploitation and regulatory mechanisms exist that are significant in light of section 4(a)(1)(D) of the Act (61 FR 4722, February 7, 1996). We also find that the gray wolf in the Western United States meets the significance criteria of the DPS Policy because its loss would result in a significant gap in the range of the taxon because it would create a gap of more than 1,000 mi (1,600 km) between the Mexican wolf subspecies of gray wolf to the south of the Western United States wolf metapopulation and gray wolves in Canada to the north. Because the Western United States population of gray wolf is both discrete and significant, we determined that it is a valid DPS and considered its conservation status under the Act.

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats to the gray wolf in the Western United States and evaluated the five listing factors, including any regulatory mechanisms and conservation measures addressing these threats. The primary stressors with the potential to affect the gray wolf’s biological status include human-caused mortality (Factor C), disease and parasites (Factor C), and inbreeding depression (Factor E) (Service 2023, pp. 30–93). We also considered the potential effects of climate change (Factor E), diseases in prey species (Factor E), and other sources of habitat modification (Factor A) on gray wolves in the Western United States, but these stressors have not negatively influenced gray wolf viability, nor are they anticipated to do so in the foreseeable future (Service 2023, pp. 93–103).

Our assessment of current condition indicates that habitat and prey for wolves are abundant and well distributed in the Western United States. This, in conjunction with the high reproductive potential of wolves and their innate behavior to disperse and locate social openings or vacant suitable habitats, has allowed wolf populations to withstand relatively high rates of human-caused mortality. Our analysis of the current condition of gray wolves in the Western United States demonstrates that, despite current levels of regulated harvest, lethal control, and episodic disease outbreaks, wolf abundance in the Western United States has generally continued to increase and occupied range has continued to expand since reintroduction in the 1990s, with the exception of 3 years during which wolf abundance in the Western metapopulation decreased slightly (*i.e.*, a decrease of approximately 50 to 100 wolves in 1 year). As of the end of 2022, States estimated that there were 2,797 wolves distributed among at least 286 packs in 7 States. This large population size and broad distribution contributes to the resiliency and redundancy of wolves in the Western United States. Moreover, wolves in the Western United States currently have high levels of genetic diversity and connectivity, further supporting the resiliency of wolves throughout the West. Finally, based on several metrics for assessing adaptive capacity, wolves in the Western United States currently retain the ability to adapt to changes in their environment (representation) (Service 2023, pp. 104–134).

We also evaluated the future condition of gray wolves in the Western United States under multiple different

future scenarios that varied levels of harvest and disease. Our analysis indicates that wolves will avoid extirpation in the Western United States over the next 100 years. Even in the extremely unlikely scenarios in which harvest substantially increases and is maintained at high rates over time in Idaho and Montana, while population sizes decrease in these states, the overall population remains well above quasi-extinction levels in the Western United States; the median projected population sizes for the entirety of Idaho, Montana, Oregon, Washington, and Wyoming (the five states we modeled) in 100 years ranged from 935 wolves (95% Credible Interval 739–1,091) for the most impactful combination of disease and harvest scenarios we analyzed to 2,161 wolves (95% Credible Interval 1,684–2,586) for the least impactful combination of disease and harvest scenarios we analyzed. More generally, gray wolves in the Western metapopulation will retain the ability to withstand stochastic and catastrophic events in the future (resiliency and redundancy) despite the decrease in the number of wolves relative to current condition under our future scenarios. We also expect the population size to remain large enough, with sufficient connectivity and genetic diversity, to avoid consequential levels of inbreeding or inbreeding depression in the future. Given this maintained connectivity, combined with wolves’ adaptable life-history characteristics, we expect wolf populations in the Western United States will be able to maintain their evolutionary potential and adapt to future change (representation). The likelihood of additional wolves in California and Colorado (and possibly in Arizona, New Mexico, and Utah in the long term), the continued recolonization of Western Oregon and Washington, and the availability of suitable wolf habitat and prey further support the continued viability of the gray wolf in the Western United States under the existing management commitments, albeit at potentially reduced population sizes compared to current numbers (Service 2023, pp. 135–188).

According to our analysis of the best available scientific and commercial data, now and into the foreseeable future, wolves in the Western United States are projected to withstand environmental and demographic stochasticity, increased human-caused mortality, potential disease events, and changing environmental conditions. Given the natural resiliency of wolf populations (*e.g.*, high fecundity, dispersal abilities), the conservation

efforts and regulatory mechanisms in place reinforce that States within the Western U.S. metapopulation will continue to manage human-caused mortality such that this stressor does not compromise the current or future viability of the metapopulation.

Specifically, now and into the foreseeable future, wolves are likely to retain a healthy level of abundance. Given the assumptions in our model (Service 2023a, pp. 181–186), our analysis of our model projections indicates that there is no risk of quasi-extinction in the next 100 years under any of our future scenarios. More specifically, according to the population projections from our forecasting model (Service 2023, pp. 185–188), which incorporates Idaho, Montana, and Wyoming’s minimum management commitments since delisting (Service 2023, pp. 163–164), we project there would be at least 739 wolves throughout Idaho, Montana, Oregon, Washington, and Wyoming for the next 100 years (Service 2023, pp. 185–188) (according to the lower credible interval of the population projection from the most impactful combination of disease and harvest scenarios we analyzed, scenarios we find unlikely for the reasons explained in the SSA Report (Service 2023, pp. 172–177)). If states continue to harvest wolves at past observed rates of harvest (Harvest Scenario 1), which they have yet to significantly exceed despite implementing less-restrictive regulations and which are more consistent with new management objectives in Idaho (IDFG 2023b, pp. 39–42), the projected population size would remain above approximately 1,300 to 1,600 wolves for the next 100 years, even with catastrophic levels of disease (Service 2023, pp. 185–188). Prey and habitat are not limiting and are not likely to become so. Wolves are also likely to retain their connectivity within the Western United States and to Canada, supporting healthy levels of

genetic diversity. Wolves are also likely to be able to withstand catastrophic events (*i.e.*, disease) now and into the foreseeable future, given their retention of a wide distribution, their high fecundity, and the fact that our models indicate the population would not crash due to catastrophic disease events. Finally, wolves currently have the ability to and will retain the ability to adapt to changes in their environment given their retained distribution across a diversity of ecoregions (even with projected future population declines in Idaho and Montana), their generalist life history, and their genetic diversity. Thus, after assessing the best available data, we conclude that the gray wolf in the Western United States is not in danger of extinction or likely to become so in the foreseeable future throughout all of its range.

Having concluded that gray wolves in the Western United States are not in danger of extinction or likely to become so in the foreseeable future throughout their range, we also evaluated four different potential significant portions of the range: (1) Idaho; (2) Montana; (3) California, Western Oregon, and Western Washington; and (4) the NRM. We determined that, due to the current and projected demographic health of these portions and the existing regulatory mechanisms, none of these portions are in danger of extinction or likely to become so in the foreseeable future (*i.e.*, none of these portions have a different status than the gray wolf throughout its entire range in the Western United States, now or into the foreseeable future). After assessing the best available data, we concluded that the gray wolf in the Western United States is not in danger of extinction, or likely to become in danger of extinction in the foreseeable future, throughout all of its range or in any significant portion of its range. Therefore, we find that listing the gray wolf in the Western United States as an endangered species or a threatened species under the Act is

not warranted. A detailed discussion of the basis for this finding can be found in the species assessment form and other supporting documents (see **ADDRESSES**, above).

#### Peer Review

In accordance with our July 1, 1994, peer review policy (59 FR 34270; July 1, 1994) and the Service’s August 22, 2016, Director’s Memo on the Peer Review Process, we solicited independent scientific reviews of the information contained in the SSA report for the gray wolf in the Western United States. On behalf of the Service, an outside contractor sent the SSA report to five independent peer reviewers and received five responses. Results of this structured peer review process can be found at <https://www.regulations.gov>. We incorporated the results of these reviews, as appropriate, into the SSA report, which is the scientific foundation for this finding.

#### References Cited

A list of the references cited in this petition finding is available in the species assessment form, which is available on the internet at <https://www.regulations.gov> at Docket No. FWS–HQ–ES–2021–0106 (see **ADDRESSES**, above).

#### Authors

The primary authors of this document are the staff members of the Species Assessment Team, Ecological Services Program.

#### Authority

The authority for this action is section 4 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

#### Martha Williams,

*Director, U.S. Fish and Wildlife Service.*

[FR Doc. 2024–02419 Filed 2–6–24; 8:45 am]

**BILLING CODE 4333–15–P**

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.

## AGENCY FOR INTERNATIONAL DEVELOPMENT

### Information Collection Review Request for OMB Approval: Bureau for Humanitarian Assistance Workplace Culture Survey

**AGENCY:** U.S. Agency for International Development.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** USAID's Bureau for Humanitarian Assistance (USAID/BHA) proposes to survey all members of its workforce to assess and gauge its processes for developing and improving a more cohesive BHA culture. This survey is also sent to institutional support contractors (ISCs), which are part of the USAID workforce but are members of the public for purposes of the Paperwork Reduction Act of 1995 (PRA). USAID/BHA invites the general public and other Federal agencies to take this opportunity to comment on the following new information collection as it relates to ISCs, as required by the PRA. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

**DATES:** Please submit comments no later than April 1, 2024.

**ADDRESSES:** You may send comments (titled 'BHA Workforce Culture Survey Comments') by any of the following methods:

- *Email:* Kathryn Oberholzer at [koberholzer@usaid.gov](mailto:koberholzer@usaid.gov).
- *Mail:* Kathryn Oberholzer at Bureau for Humanitarian Assistance, 555 12th Street NW, Washington, DC 20004.

**FOR FURTHER INFORMATION CONTACT:** Kathryn Oberholzer, (571) 212-9899, [koberholzer@usaid.gov](mailto:koberholzer@usaid.gov).

#### SUPPLEMENTARY INFORMATION:

*Type of Information Collection:* BHA Workplace Culture Survey.

*Type of Request:* Notice for public comment.

*Originating Office:* USAID Bureau for Humanitarian Affairs.

*Respondents:* BHA personnel, including ISCs that are not federal employees for PRA purposes.

*Respondent's obligation to respond:* Voluntary.

*Estimated number of respondents:* 400.

*Average time per response:* 15 minutes for survey respondents.

*Frequency of response:*

Approximately once per year.

*Total estimated burden:* 100 hours.

*Total estimated burden cost:* None.

We are soliciting public comments to permit USAID/BHA to include ISCs in its workforce survey to assess and gauge its processes for developing and improving a more cohesive BHA culture.

**Danielle Mutone Smith,**

*Managing Director, Bureau for Humanitarian Assistance.*

### BHA Culture Survey Questions

#### \*\*Privacy Act Statement\*\*

Please see the Privacy Act Statement in its entirety in the ensuing section.

#### Introduction

*As a part of the transformation of the Office of Foreign Disaster Assistance (OFDA) and Food For Peace (FFP) into BHA in 2020, we enlisted the support of USAID Staff Care organizational consultants to both assess the cultures\* of FFP and OFDA, and then engage staff in the design of a BHA culture that melds the best of both offices. To that end, BHA conducted a cultural assessment survey in March/April 2020, which has informed Staff Care's culture work with BHA offices and senior management. This culminated in a July 2021 workshop where office representatives integrated all the office-level work on culture into a BHA-wide culture document.*

*In 2021 BHA conducted a second culture survey. This survey was implemented and analyzed by the Training Resources Group, Inc. (TRG) to ensure confidentiality of responses. TRG analyzed the data and shared results from the survey with BHA leadership and staff in early 2022. Subsequently, BHA Offices held meetings to focus on individual office results and action planning discussions.*

*The 2021 survey provides baseline data for our 2023 survey. This year's*

*survey will allow us to gauge the process to date on developing a BHA culture.*

*Your participation is critical, so please note this survey is confidential. While we will be requesting demographic information so that we can analyze survey responses in a variety of ways, this information will not be attached to individuals who respond, and TRG consultants will be the only ones with access to the raw data.*

*(\*Culture for the purposes of this survey means BHA's values, norms and behaviors that guide and inform BHA staff and how we work together.)*

*(\*Culture for the purposes of this survey means BHA's values, norms and behaviors that guide and inform BHA staff and how we work together.)*

*Unit defined as: The immediate BHA team/office/group that you work closest with.*

*Bureau leadership defined as: BHA Front Office, Office directors based in Washington DC.*

### Privacy Act Statement

In accordance with E.O. 14035: Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce, we are collecting information relating to the culture of BHA and to the morale of all of our employees to help inform efforts to improve workplace culture.

BHA intends to use the voluntarily-given basic demographic information along with responses gauging morale and workplace culture at an aggregate level to examine where pain points in BHA's approach to work may be. With information about how employees of different genders, sexual identities, hiring mechanisms, disability statuses, and racial or ethnic groups feel about their unit and BHA's culture, office and bureau leadership will be better informed about how to focus and prioritize efforts related to culture change. Identifying how staff feel about their workplace culture and what factors are affecting their morale will allow leaders at all levels in the bureau to create a better culture and improve conditions for groups where needed. The survey will be sent to staff at their USAID email address, the survey will indicate that staff will be asked for their consent to share demographic data, which they may decline to provide at their discretion. Staff will be notified about the purpose of the collection, what will be done with the information

provided, and how the information will be retained and protected.

We will use this information to inform office and bureau-level follow up actions. Additionally, leaders at different levels in the bureau will be able to use the disaggregated data to inform their office culture improvement action plans. We plan to conduct annual cultural surveys to continue to track and invest in BHA culture change over time. Information will not be shared with any other entity or source, and will not be used for any other purpose beyond what is specified here.

In order to isolate the data from anyone who would have the ability to identify participants, our consultant partner, the Training Resources Group, Inc. (TRG), will execute, house, and disaggregate the data from this survey, protecting this information with the utmost integrity in accordance with their corporate privacy policies. No PII will be collected or shared. Two individuals in TRG will have access to the raw data only through two-factor authentication. Further, raw data will be deleted after one year after which a new culture survey will be disseminated to BHA staff.

### Proposed Questions

#### Demographics

1. For which part of BHA do you work?
  - a. Office of Field and Response Operations (FARO)
  - b. Office of Humanitarian Business and Management Operations (HBMO)
  - c. Office of Technical and Program Quality (TPQ)
  - d. Office of Global Policy, Partnerships, Programs, and Communications (G3PC)
  - e. Office of Asia, Latin America, and the Caribbean (ALAC)
  - f. Office of Africa (OA)
  - g. Office of Middle East, North Africa, and Europe (MENA)
  - h. Regional/country based
  - i. Prefer Not to Respond
2. What is your hiring mechanism?
  - a. U.S. Personal Services Contracts (USPSC)
  - b. USPSC-Support Relief Group (USPSC-SRG)
  - c. Third Country National Personal Services Contract (TCNPSC)
  - d. Local Personal Services Contractor (Local PSC)
  - e. Foreign Service National (FSN)
  - f. Political Appointee
  - g. Civil Service (CS)
  - h. Foreign Service (FS)
  - i. Foreign Service Limited (FSL)
  - j. Civil Service Excepted (CSE)
  - k. Participating Agency Service

- Agreement (PASA)
  - l. Participating Agency Service Agreement Detailer (PASA Detailer)
  - m. Institutional Contractor
  - n. Fellow
  - o. Intern
  - p. Other
  - q. Prefer Not to Respond
3. How long have you been with BHA (including OFDA/FFP time)?
  - a. 0–1 year
  - b. 1–3 years
  - c. 4–7 years
  - d. 8–15 years
  - e. 15+ years
4. With which racial and ethnic group(s) do you identify? Please mark all that apply.
  - a. Native American or Alaska Native
  - b. East Asian, South Asian, Southeast Asian
  - c. North African/Middle Eastern
  - d. African
  - e. Black or African American
  - f. Hispanic or Latinx
  - g. White
  - h. Native Hawaiian or Other Pacific Islander
  - i. Other
  - j. Prefer Not to Respond
5. Do you identify as a gender or sexual minority?
  - a. Yes, I identify as a gender or sexual minority.
  - b. No, I do not identify as a gender or sexual minority.
  - c. Prefer Not to Respond
6. How do you describe your disability/ability status? Please mark all that apply.
  - a. Yes, I have a disability for which I have sought a reasonable accommodation.
  - b. Yes, I have a disability for which I have NOT sought a reasonable accommodation.
  - c. No, I do not have a disability.
  - d. I prefer not to respond.
7. Do you lead, manage or supervise other members of the BHA workforce?
  - a. Yes
  - b. No

#### Workplace culture (Values/Norms/Behaviors):

8. I feel my workplace values are aligned with BHA values?
  - a. Totally Disagree, Somewhat Disagree, Neutral, Somewhat Agree, Totally Agree, No Opinion (same scale for 10–20)
9. I feel that my teammates trust me.
10. I trust my teammates.
11. I feel valued by those in my unit.
12. I value my unit members.
13. (OPTIONAL) My US/Field counterpart respects my input and opinions.

- a. Optional, if applicable
14. I feel I can disclose a suspected misconduct, violation of any law, rule or regulation without fear of reprisal.
15. What do you most value about BHA culture? (500 characters)

#### Leadership

16. Unit leadership listens to and respects me/my work.
17. I feel that a workforce of all cultures and backgrounds are made to feel included and valued in BHA.
18. Bureau leadership and/or regional office leads create opportunities for all voices and perspectives to be heard and valued in an environment of trust.
19. I feel Bureau and unit leadership clearly communicate their decisions.
20. I feel unit leadership advances DEIA and other efforts to improve culture.

#### Morale

21. My work morale is:
  - a. Very Low, Low, Somewhat Low, Neutral, Somewhat High, Very High
22. The morale of my unit is:
  - a. Very Low, Low, Somewhat Low, Neutral, Somewhat High, Very High
23. The morale of BHA is:
  - a. Very Low, Low, Somewhat Low, Neutral, Somewhat High, Very High
24. I am comfortable (check all that apply):
  - a. Using workplace flexible options if available to you.
  - b. Signing off at a regular hour.
  - c. Taking time off from work.
  - d. Not responding to emails during off hours, unless urgent.
25. What four factors impact your morale the most (check all that apply)?
  - a. USAID plans for returning to the office
  - b. Prioritization of work
  - c. Amount of work
  - d. Issues around DEIA
  - e. Issues around Harassment, Sexual Harassment, and Bullying
  - f. Management Issues (transparency, accessibility, changes in)
  - g. Interpersonal relationships with my colleagues
  - h. Issues around systems/processes
  - i. Ability to fully express my ideas and thoughts about work
  - j. Support and empowerment in advancing my career
  - k. Personal Issues
  - l. Other (50 characters)
26. If you selected "Other" to the previous question, please provide your description here.

#### Final comments

1. Where should leadership focus its attention over the next year to

continue to build culture? (500 characters)

[FR Doc. 2024-02463 Filed 2-6-24; 8:45 am]

BILLING CODE 6116-01-P

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Doc. No. AMS-NOP-23-0075]

#### Meeting of the National Organic Standards Board

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, as amended, the Agricultural Marketing Service (AMS), U.S. Department of Agriculture (USDA), is announcing a meeting of the National Organic Standards Board (NOSB). The NOSB assists USDA in the development of standards for substances to be used in organic production and advises the Secretary of Agriculture on any other aspects of the implementation of the Organic Foods Production Act (OFPA).

**DATES:** An in-person meeting will be held April 29–May 1, 2024, from 9:00 a.m. to approximately 6:00 p.m. Central Time (CT) each day, and we plan to include a virtual broadcast.

*Oral Comments:* The NOSB will hear oral public comments via webinars on Tuesday, April 23, 2024, and Thursday, April 25, 2024, from 11:00 a.m. to approximately 5:00 p.m. Eastern Time (ET). The USDA National Organic Program (NOP) will consult with the Board on whether time will be allotted for in-person oral public comments in Milwaukee, in addition to the pre-meeting oral comment webinars and written comments. If allowed, NOP will post details on the AMS website when registration opens.

*Written Comments:* The deadline to submit written comments and/or sign up for oral comment at either the webinar or in-person meeting is 11:59 p.m. ET, April 3, 2024.

**ADDRESSES:** The webinars are virtual and can be accessed via the internet and/or phone. Access information will be available on the AMS website prior to the webinars. The in-person meeting will take place at Hilton Milwaukee City Center, 509 W Wisconsin Avenue, Milwaukee, WI 53203, United States, and will be broadcast virtually. Detailed information pertaining to the webinars and in-person meeting, including virtual viewing options, can be found at [https://www.ams.usda.gov/event/national-](https://www.ams.usda.gov/event/national-organic-standards-board-nosb-meeting-milwaukee-wi)

[organic-standards-board-nosb-meeting-milwaukee-wi](https://www.ams.usda.gov/event/national-organic-standards-board-nosb-meeting-milwaukee-wi).

**FOR FURTHER INFORMATION CONTACT:** Ms. Michelle Arsenault, Advisory Committee Specialist, National Organic Standards Board, USDA–AMS–NOP, 1400 Independence Avenue SW, Room 2642–S, STOP 0268, Washington, DC 20250–0268; Phone: (202) 997–0115; Email: [nosb@usda.gov](mailto:nosb@usda.gov).

**SUPPLEMENTARY INFORMATION:** In accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 2 and 7 U.S.C. 6518(e), as amended, AMS is announcing a meeting of the NOSB. The NOSB makes recommendations to USDA about whether substances should be allowed or prohibited in organic production and/or handling, assists in the development of standards for organic production, and advises the Secretary on other aspects of the implementation of the Organic Foods Production Act, 7 U.S.C. 6501 *et seq.* NOSB is holding a public meeting to discuss and vote on proposed recommendations to USDA, to obtain updates from the NOP on issues pertaining to organic agriculture, and to receive comments from the organic community. The meeting is open to the public. Registration is only required to sign up for oral comments. Photography is allowed, as long as it is not disruptive. All meeting documents and instructions for participating will be available on the AMS website at <https://www.ams.usda.gov/event/national-organic-standards-board-nosb-meeting-milwaukee-wi>. Please check the website periodically for updates. Meeting topics will encompass a wide range of issues, including substances petitioned for addition to, or removal from, the National List of Allowed and Prohibited Substances (National List), substances on the National List that are under sunset review, and guidance on organic policies.

*Public Comments:* Comments should address specific topics noted on the meeting agenda.

*Written Comments:* Written public comments will be accepted on or before 11:59 p.m. ET, April 3, 2024, via <https://www.regulations.gov>: (Doc. No. AMS–NOP–23–0075). Comments submitted after this date will be added to the public comment docket, but Board members may not have adequate time to consider those comments prior to making recommendations. NOP strongly prefers comments be submitted electronically. However, written comments may also be submitted (*i.e.*, postmarked) via mail to the person listed under **FOR FURTHER INFORMATION CONTACT** by or before the deadline.

*Oral Comments:* The NOSB will hear oral public comments via webinars on Tuesday, April 23, 2024, and Thursday, April 25, 2024, from 11:00 a.m. to approximately 5:00 p.m. ET. Each commenter wishing to address the Board must pre-register by 11:59 p.m. ET on April 3, 2024, and can register for only one speaking slot. Instructions for registering and providing oral comments can be found at <https://www.ams.usda.gov/event/national-organic-standards-board-nosb-meeting-milwaukee-wi>.

The NOP will consult with the Board on whether time will be allotted for in-person oral public comments in Milwaukee, in addition to the pre-meeting oral comment webinars. Details will be posted on the AMS website when registration opens.

*Meeting Accommodations:* The meeting hotel is compliant with the Americans with Disabilities Act, and USDA provides reasonable accommodation to individuals with disabilities where appropriate. If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpretation, assistive listening devices, or other reasonable accommodation to the person listed under **FOR FURTHER INFORMATION CONTACT**. Determinations for reasonable accommodation will be made on a case-by-case basis.

Dated: February 2, 2024.

**Cikena Reid,**

*USDA Committee Management Officer.*

[FR Doc. 2024-02469 Filed 2-6-24; 8:45 am]

BILLING CODE 3410-02-P

## DEPARTMENT OF AGRICULTURE

### Tribal Advisory Committee

**AGENCY:** Office of Tribal Relations, USDA.

**ACTION:** Notice of public, virtual meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the Department of Agriculture and the Federal Advisory Committee Act (FACA), the Office of Tribal Relations is announcing a meeting of the Tribal Advisory Committee. The committee is authorized under the Agriculture Improvement Act of 2018 (the 2018 Farm Bill) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to provide advice and guidance to USDA on matters related to Tribal and Indian affairs.

**DATES:** A virtual webinar with a call-in option will be held on Friday, February 23, 2024, from 12:00 p.m. to approximately 7:00 p.m. Eastern Time (ET).

**Webinar Participation Information:** Registration to attend this meeting, including to provide oral public comments, is available at [https://www.zoomgov.com/webinar/register/WN\\_Z7X1qJazTdGmGu1R-PR\\_SA](https://www.zoomgov.com/webinar/register/WN_Z7X1qJazTdGmGu1R-PR_SA).

**Public Comments:** The public may file written comments to the Tribal Advisory Committee by February 16, 2024, via email at [Tribal.Relations@usda.gov](mailto:Tribal.Relations@usda.gov). While other comments will be included in the public record for this meeting, the Committee may not have time to deliberate on comments received at this date during their first meeting. Register for the Meeting: The public is asked to pre-register for the meeting at least 5 business days prior to the meeting. Your pre-registration must state: the names of each person in your group; organization or interest represented; the number of people planning to give oral comments, if any; and whether anyone in your group requires special accommodations. Submit registrations to <https://bit.ly/496VJSZ> by February 16, 2024.

**FOR FURTHER INFORMATION CONTACT:** General information about the committee can also be found at <https://www.usda.gov/tribalrelations/advisory-committee>. Josiah Griffin, Designated Federal Officer, by phone at 202-689-4861 or via email at [Josiah.Griffin@usda.gov](mailto:Josiah.Griffin@usda.gov).

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** This meeting will be the first convening of the Tribal Advisory Committee. An agenda and more information for this meeting will be available at <https://www.usda.gov/tribalrelations/advisory-committee>.

The Secretary establishes the Committee pursuant to Section 12303 of the Agriculture Improvement Act of 2018 (7 U.S.C. 6921(b)) and will be managed in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. 10. Under the law, the Secretary of Agriculture appointed three members, and the Chair and Ranking Members of the House Committee on Agriculture and the Senate Committees on Indian Affairs and Agriculture, Nutrition, and Forestry appointed the

remaining eight members. In addition to providing recommendations to the Secretary, the Tribal Advisory Committee is required to provide a report to the three Congressional Committees listed above.

**Register for the Meeting:** The public is asked to pre-register for the meeting at least 5 business days prior to the meeting. Your pre-registration must state: the names of each person in your group; organization or interest represented; the number of people planning to give oral comments, if any; and whether anyone in your group requires special accommodations. Submit registrations to <https://bit.ly/496VJSZ> by February 16, 2024.

**Public Comment:** Members of the public are invited to join the Tribal Advisory Committee meeting from 12:00 p.m. to 5:00 p.m. Eastern Time in listen only mode. Members of the public who request to give oral comments to the Committee, must arrive by 6:00 p.m. Eastern Time (ET) on February 23, 2024, and will be given their allotted time limit and turn at the check-in table.

**Availability of Materials for the Meeting:** All written public comments will be compiled into a binder and available for review at the meeting. Duplicate comments from multiple individuals will appear as one comment, with a notation that multiple copies of the comment were received. Please visit <https://www.usda.gov/tribalrelations/advisory-committee> to learn more about the agenda for or reports resulting from this meeting. Please be advised that anyone calling into the Zoom teleconference system interested to provide public comment will be asked to provide their names, their title, and their tribal or organizational affiliations. Callers can expect to incur charges for calls they initiate over wireless lines, and the USDA will not refund any incurred charges.

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

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET

Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

Equal opportunity practices in accordance with USDA's policies will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken in account the needs of the diverse groups served by USDA, membership shall include to the extent possible, individuals with demonstrated ability to represent minorities, women and person with disabilities. USDA is an equal opportunity provider, employer, and lender.

Dated: February 2, 2024.

**Cikena Reid,**

*USDA Committee Management Officer.*

[FR Doc. 2024-02488 Filed 2-6-24; 8:45 am]

BILLING CODE 3410-AG-P

## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

[Docket No. FSIS-2024-0001]

#### Notice of Request To Renew an Approved Information Collection: Mechanically Tenderized Beef Products

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

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, FSIS is announcing its intention to renew an approved information collection regarding the labeling requirements for mechanically tenderized beef products. There are no changes to the existing information collection. The approval for this information collection will expire on June 30, 2024.

**DATES:** Submit comments on or before April 8, 2024.

**ADDRESSES:** FSIS invites interested persons to submit comments on this **Federal Register** notice. Comments may be submitted by one of the following methods:

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



the on-line instructions at that site for submitting comments.

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

- *Hand- or courier-delivered submittals:* Deliver to 1400

Independence Avenue SW, Jamie L. Whitten Building, Room 350–E, Washington, DC 20250–3700.

*Instructions:* All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2024–0001. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to <https://www.regulations.gov>.

*Docket:* For access to background documents or comments received, call 202–720–5046 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Washington, DC 20250–3700.

**FOR FURTHER INFORMATION CONTACT:** Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250–3700; 202–720–5046.

**SUPPLEMENTARY INFORMATION:**

*Title:* Mechanically Tenderized Beef Products.

*OMB Number:* 0583–0160.

*Type of Request:* Renewal of an approved information collection.

*Abstract:* FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53), as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*). These statutes mandate that FSIS protect the public by verifying that meat and poultry products are safe, wholesome, and properly labeled.

FSIS is requesting renewal of an approved information collection regarding the labeling requirements for mechanically tenderized beef products. There are no changes to the existing information collection. The approval for this information collection will expire on June 30, 2024.

FSIS regulations require the use of the descriptive designation “mechanically tenderized” on the labels of raw or partially cooked needle or blade tenderized beef products, including beef products injected with marinade or solution, unless these products are to be fully cooked at an official establishment. The Agency also requires that the

product name for the beef products include the descriptive designation “mechanically tenderized” and an accurate description of the beef component (9 CFR 317.2(e)(3)). Establishments that use these labels on products do not have to submit them to FSIS for approval prior to use if the labels comply with the provisions for generic approval in 9 CFR 412.2. Retail facilities that use these labels on products do not have to submit them to FSIS for approval prior to use.

FSIS has made the following estimates based upon an information collection assessment:

*Estimate of burden:* The public reporting burden for this collection of information is estimated to average .5833 hours per response.

*Estimated annual number of respondents:* 555.

*Estimated average number of responses per respondent:* 60.908.

*Estimated annual number of responses:* 33,804.

*Estimated Total Annual Burden on Respondents:* 19,719 hours.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record. Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250–3700; 202–720–5046.

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of FSIS’ functions, including whether the information will have practical utility; (b) the accuracy of FSIS’ estimate of the burden of the proposed collection of information, including the validity of the method and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20253.

**Additional Public Notification**

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will

announce this **Federal Register** publication on-line through the FSIS web page located at: <https://www.fsis.usda.gov/federal-register>.

FSIS will also announce and provide a link to this **Federal Register** publication through the FSIS *Constituent Update*, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS can provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: <https://www.fsis.usda.gov/subscribe>. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

**USDA Non-Discrimination Statement**

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

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

To file a program discrimination complaint, a complainant should complete a Form AD–3027, *USDA Program Discrimination Complaint Form*, which can be obtained online at

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

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

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

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

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

**Paul Kiecker,**  
Administrator.

[FR Doc. 2024-02417 Filed 2-6-24; 8:45 am]

BILLING CODE 3410-DM-P

## ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

[Docket No. ATBCB-2024-0002]

### Proposed Submission of Information Collection for OMB Review; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

**AGENCY:** Architectural and  
Transportation Barriers Compliance  
Board.

**ACTION:** Notice and request for  
comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (PRA), the Architectural and Transportation Barriers Compliance Board (Access Board) invites comment on the proposed extension of its existing generic clearance for the collection of qualitative feedback on agency service delivery, which expires in May 2024 (OMB Control No. 3014-0011). This information collection was developed as part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on service delivery. With this notice, the Access Board solicits comments on extension of its existing generic clearance without change. Following review of comments received in response to this 60-day notice, the Access Board intends to submit a request to the Office of Management and

Budget (OMB) to renew its generic clearance for collection of qualitative feedback for another three-year term.

**DATES:** Send comments on or before April 8, 2024.

**ADDRESSES:** You may submit comments, identified by docket number ATBCB-2024-0002, by any of the following methods:

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

• *Email:* [docket@access-board.gov](mailto:docket@access-board.gov). Include docket number ATBCB-2024-0002 in the subject line of the message.

• *Mail:* Office of General Counsel, U.S. Access Board, 1331 F Street NW, Suite 1000, Washington, DC 20004-1111.

*Instructions:* All submissions must include the docket number (ATBCB-2024-0002) for this regulatory action. All comments received will be posted without change to <http://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/docket/ATBCB-2024-0002>.

**FOR FURTHER INFORMATION CONTACT:**  
Attorney Advisor Wendy Marshall,  
(202) 272-0043, [marshall@access-board.gov](mailto:marshall@access-board.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Background

Under the PRA and its implementing regulations (5 CFR part 1320), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor (e.g., contractually-required information collection by a third-party). "Collection of information," within the meaning of the PRA, includes agency requests that pose identical questions to, or impose reporting or recording keeping obligations on, ten or more persons, regardless of whether response to such request is mandatory or voluntary. See 5 CFR 1320.3(c); see also 44 U.S.C. 3502(3). Before seeking clearance from OMB, agencies are generally required, among other things, to publish a 60-day notice in the **Federal Register** concerning any proposed information collection—including extension of a previously-approved collection—and provide an opportunity for comment. See 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

#### II. Proposed Renewal of Information Collection Request

The Access Board is providing notice of its intent to seek renewal of its

existing generic clearance for the collection of qualitative feedback with regard to agency services. To date, we have found the feedback garnered through qualitative customer satisfaction surveys (and similar information collections) to be beneficial, by providing useful insights in experiences, perceptions, opinions, and expectations regarding Access Board services or focusing attention on areas in need of improvement. We thus intend to seek approval to continue our current efforts to solicit qualitative customer feedback by seeking input from customers across our agency programs and services. Online surveys will be used unless the customer contacts the agency by phone for technical assistance or an individual otherwise expresses a preference for another survey format (i.e., fillable form in portable document format or paper survey). In addition, paper surveys may be used to garner feedback from participants at in-person trainings or similar events.

*OMB Control Number:* 3014-0011.

*Title:* Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

*Type of Request:* Extension without change.

*Abstract:* The proposed information collection activity facilitates collection of qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Federal Government's commitment to improving service delivery. By qualitative feedback we mean information collections that provide useful insights on perceptions and opinions but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insight into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training, or changes in operations might improve delivery of services. These collections will allow for ongoing, collaborative, and actionable communications between the Access Board and its customers and stakeholders.

*Respondents/Affected Public:* Individuals and Households; Businesses and Organizations; State, Local or Tribal Government.

*Burden Estimates:* In the table below (Table 1), the Access Board provides estimates for the annual reporting burden under this proposed information collection. The Access Board does not anticipate incurring any capital or other direct costs associated with this

information collection. Nor will there be any costs to respondents, other than their time.

TABLE 1—ESTIMATED ANNUAL BURDEN HOURS

Type of collection	Number of respondents	Frequency of response (per year)	Average response time (mins.)	Total burden (hours)
Customer feedback surveys .....	3,870	1	4	258

(Note: Total burden hours per collection rounded to the nearest full hour.)

*Request for Comment:* The Access Board seeks comment on any aspect of the proposed renewal of its existing generic clearance for the collection of qualitative feedback on agency service delivery, including (a) whether the proposed collection of information is necessary for the Access Board’s performance; (b) the accuracy of the estimated burden; (c) ways for the Access Board to enhance the quality, utility, and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. Comments will be summarized and included in our request for OMB’s approval of renewal of our existing generic clearance.

**Christopher Kuczynski,**  
*General Counsel.*  
[FR Doc. 2024–02512 Filed 2–6–24; 8:45 am]  
**BILLING CODE 8150–01–P**

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Delaware Advisory Committee to the U.S. Commission on Civil Rights

**AGENCY:** Commission on Civil Rights.  
**ACTION:** Announcement of meetings.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that, starting in March, the Delaware Advisory Committee to the Commission will hold monthly virtual planning meetings on the first and third Wednesdays at 1 p.m. (ET). The purpose of the meetings is to discuss and vote to submit the Committee’s COVID 19 health disparities report to the agency’s Office of the General Counsel for the legal sufficiency review and to the Staff Director for publication. These meetings are open to the public and votes will be taken, as required.

**DATES:**  
*First Wednesdays:* 1st Wednesdays of the month at 1 p.m. (ET): March 6, April 6, May 1, and June 5, 2024.

*Meeting Link for 1st Wednesdays at 1 p.m. ET (Audio/Visual):* <https://tinyurl.com/2sstbf6v>; *password:* USCCR–DE.  
*Join by Phone for 1st Wednesdays at 1 p.m. ET (Audio Only):* 1–833–435–1820 USA Toll-Free; Meeting ID: 160 832 3278#.  
*Third Wednesdays:* 3rd Wednesdays of the month at 1 p.m. ET: March 20, April 17, and May 15, 2024.  
*Meeting Link for 3rd Wednesdays at 1 p.m. ET (Audio/Visual):* <http://tinyurl.com/yc7k4bv7>; *password:* USCCR–DE.  
*Join by Phone for 3rd Wednesdays at 1 p.m. ET (Audio Only):* 1–833–435–1820 USA Toll-Free; Meeting ID: 160 604 6452#.

**FOR FURTHER INFORMATION CONTACT:** Ivy Davis, Designated Federal Official at [ero@usccr.gov](mailto:ero@usccr.gov) or by phone at 1–202–530–8468.

**SUPPLEMENTARY INFORMATION:** Members of the public may attend these Committee meetings through the registration link above. Any interested member of the public may listen to the meetings. An open comment period will be provided to allow members of the public to make brief statements as time allows. Per the Federal Advisory Committee Act, public minutes of the meetings will include a list of persons who attend the meetings. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning 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 Evelyn Bohor, [ebohor@usccr.gov](mailto:ebohor@usccr.gov), at least 10 business days prior to a meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following each meeting. Written comments may be

emailed to the attention of Ivy Davis at [ero@usccr.gov](mailto:ero@usccr.gov). Persons who desire additional information may contact Evelyn Bohor at [ebohor@usccr.gov](mailto:ebohor@usccr.gov).  
Records generated from each meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after each meeting. Records of meetings will be available via [www.facadatabase.gov](http://www.facadatabase.gov) under the Commission on Civil Rights, Delaware 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 Evelyn Bohor at [ebohor@usccr.gov](mailto:ebohor@usccr.gov).

- Agenda**
- I. Welcome and Roll Call
  - II. Project Planning, Report Discussion and Vote(s), as needed
  - III. Other Business
  - IV. Next Planning Meeting
  - V. Public Comments
  - VI. Adjourn

Dated: February 2, 2024.  
**David Mussatt,**  
*Supervisory Chief, Regional Programs Unit.*  
[FR Doc. 2024–02482 Filed 2–6–24; 8:45 am]  
**BILLING CODE P**

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Arkansas Advisory Committee

**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 that the Arkansas Advisory Committee (Committee) will hold a meeting Monday, February 5, 2024 at 10:00 a.m. Central Time. The purpose of the meeting is to plan a series of upcoming briefings to gather testimony regarding right to counsel for the Committee’s current civil rights study.

**DATES:** The meeting will be held on Monday February 5, 2024 at 10:00 a.m. Central Time.

**Web Access (audio/visual):** Register at: <https://www.zoomgov.com/j/1609844307?pwd=K09kRk5VVzdiRTRKeUFieU90ajlQUT09>

**Phone Access (audio only):** 833–435–1820, Meeting ID:160 984 4307

**FOR FURTHER INFORMATION CONTACT:** Melissa Wojnaroski, Designated Federal Officer, at [mwojnaroski@usccr.gov](mailto:mwojnaroski@usccr.gov) or (202) 618–4158.

**SUPPLEMENTARY INFORMATION:** Members of the public may join online or listen to this discussion through the above registration link or 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. Closed captions will be provided. Individuals who are deaf, deafblind, or hard of 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 conference ID number.

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 Melissa Wojnaroski at [mwojnaroski@usccr.gov](mailto:mwojnaroski@usccr.gov).

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](http://www.facadatabase.gov) under the Commission on Civil Rights, Arkansas Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

#### Agenda

- I. Welcome and Roll Call
- II. Discussion: Right to Counsel
- III. Vote
- IV. Next Steps
- V. Public Comment
- VI. Adjournment

Dated: February 2, 2024.

**David Mussatt,**  
Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024–02483 Filed 2–6–24; 8:45 am]

**BILLING CODE P**

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Minnesota Advisory Committee to the U.S. Commission on Civil Rights

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Notice of public meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Minnesota Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting via Zoom at 1 p.m. CT on Tuesday, February 13, 2024. The purpose of this meeting is to debrief the testimony received on the topic, *Examining Fair Housing and Equal Access to Housing Opportunities in Minnesota*.

**DATES:** Tuesday, February 13, 2024, from 1 p.m.–2:15 p.m. central time.

**ADDRESSES:** The meeting will be held via Zoom Webinar.

**Registration Link (Audio/Visual):** <https://www.zoomgov.com/s/1612782072>.

**Join by Phone (Audio Only):** (833) 435–1820 USA Toll-Free; Meeting ID: 161 278 2072.

**FOR FURTHER INFORMATION CONTACT:** Ana Victoria Fortes, Designated Federal Officer, at [afortes@usccr.gov](mailto:afortes@usccr.gov) or (202) 519–2938.

**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](mailto: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 Ana Victoria Fortes at [afortes@usccr.gov](mailto:afortes@usccr.gov). Persons who desire additional information may contact the Regional Programs Coordination Unit at (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.facadatabase.gov](http://www.facadatabase.gov) under the Commission on Civil Rights, Minnesota 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 [lschiller@usccr.gov](mailto:lschiller@usccr.gov).

#### Agenda

- I. Welcome & Roll Call
- II. Discussion: Debrief Testimony
- III. Public Comment
- IV. Next Steps
- V. Adjournment

Dated: February 2, 2024.

**David Mussatt,**  
Supervisory Chief, Regional Programs Unit.  
[FR Doc. 2024–02480 Filed 2–6–24; 8:45 am]

**BILLING CODE P**

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the District of Columbia Advisory Committee to the U.S. Commission on Civil Rights

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Notice of virtual briefing.

**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 District of Columbia Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public briefing via Zoom. The purpose of the briefing is to hear testimony on access to special education and related transportation services for students with disabilities in DC schools.

**DATES:** Wednesday, March 20, 2024, from 12:00 p.m.–2:00 p.m. Eastern Time

**ADDRESSES:** The meeting will be held via Zoom.

**Registration Link (Audio/Visual):** <https://bit.ly/482hfGZ>.

**Join by Phone (Audio Only):** 1–833–435–1820 USA Toll Free; Webinar ID: 161 633 8268#.

**FOR FURTHER INFORMATION CONTACT:**

Mallory Trachtenberg, DFO, at [mtrachtenberg@uscrr.gov](mailto:mtrachtenberg@uscrr.gov) or 1-202-809-9618.

**SUPPLEMENTARY INFORMATION:**

This Committee meeting is available to the public through the registration link above. Any interested member 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@uscrr.gov](mailto:svillanueva@uscrr.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 scheduled meeting. Written comments may be emailed to Sarah Villanueva at [svillanueva@uscrr.gov](mailto:svillanueva@uscrr.gov). Persons who desire additional information may contact the Regional Programs Coordination Unit at 1-202-809-9618.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via [www.facadatabase.gov](http://www.facadatabase.gov) under the Commission on Civil Rights, District of Columbia Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.uscrr.gov>, or may contact the Regional Programs Coordination Unit at [svillanueva@uscrr.gov](mailto:svillanueva@uscrr.gov).

**Agenda**

- I. Welcome Remarks
- II. Panelist Presentations
- III. Committee Q&A
- IV. Public Comment
- V. Closing Remarks
- VI. Adjournment

Dated: February 2, 2024.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2024-02478 Filed 2-6-24; 8:45 am]

**BILLING CODE P**

**COMMISSION ON CIVIL RIGHTS****Notice of Public Meeting of the District of Columbia 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 District of Columbia Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting via Zoom. The purpose of the meeting is to discuss briefing planning and select panelists for the upcoming briefings to hear testimony on access to special education and related transportation services for students with disabilities.

**DATES:** Wednesday, April 17, 2024, from 12:00 p.m.–1:00 p.m. Eastern Time.

**ADDRESSES:** The meeting will be held via Zoom.

*Registration Link (Audio/Visual):*  
<https://bit.ly/49hkFGV>.

*Join by Phone (Audio Only):* 1-833-435-1820 USA Toll Free; Webinar ID: 161 038 2670#.

**FOR FURTHER INFORMATION CONTACT:**

Mallory Trachtenberg, DFO, at [mtrachtenberg@uscrr.gov](mailto:mtrachtenberg@uscrr.gov) or 1-202-809-9618.

**SUPPLEMENTARY INFORMATION:** This Committee meeting is available to the public through the registration link above. Any interested member 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@uscrr.gov](mailto:svillanueva@uscrr.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 scheduled meeting. Written comments may be emailed to Sarah Villanueva at [svillanueva@uscrr.gov](mailto:svillanueva@uscrr.gov). Persons who desire additional information may contact the Regional Programs Coordination Unit at 1-202-809-9618.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via [www.facadatabase.gov](http://www.facadatabase.gov) under the Commission on Civil Rights, District of Columbia Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.uscrr.gov>, or may contact the Regional Programs Coordination Unit at [svillanueva@uscrr.gov](mailto:svillanueva@uscrr.gov).

**Agenda**

- I. Welcome and Roll Call
- II. Approval of Minutes
- III. Discussion: Briefing Planning
- IV. Public Comment
- V. Next Steps
- VI. Adjournment

Dated: February 2, 2024.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2024-02479 Filed 2-6-24; 8:45 am]

**BILLING CODE P**

**COMMISSION ON CIVIL RIGHTS****Notice of Public Meeting of the Iowa Advisory Committee to the U.S. Commission on Civil Rights**

**AGENCY:** Commission on Civil Rights.

**ACTION:** Announcement 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 Iowa Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold public meeting via Zoom on Thursday, March 21, 2024 from 3:00 p.m.–4:00 p.m. Central Time. The purpose of the meeting is for the Committee to continue discussing potential speakers for a web briefing series to study the barriers to mental

and behavioral health access for K–12 students.

**DATES:** Thursday, March 21, 2024, from 3:00 p.m.–4:00 p.m. Central Time.

**ADDRESSES:** The meetings will be held via Zoom.

March 21st Business Meeting

— <https://www.zoomgov.com/j/1600551839?pwd=cTVKWWhsWIZKMDIPcm9DNjZtZjRIQT09>

—Join by Phone (Audio Only) 1–833–435–1820 USA Toll Free; Meeting ID: 160 055 1839

**FOR FURTHER INFORMATION CONTACT:** Ana Fortes, Designated Federal Officer, at [afortes@usccr.gov](mailto:afortes@usccr.gov) or (202) 681–0857.

**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 Corrine Sanders, Support Specialist, at [csanders@usccr.gov](mailto:csanders@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 Ana Fortes at [afortes@usccr.gov](mailto:afortes@usccr.gov). Persons who desire additional information may contact the Regional Programs Coordination Unit at (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.facadatabase.gov](http://www.facadatabase.gov) under the Commission on Civil Rights, Iowa 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 [afortes@usccr.gov](mailto:afortes@usccr.gov).

#### Agenda

- I. Welcome and Chair Remarks
- II. Planning Discussion for Web Briefing
- III. Public Comment
- IV. Next Steps
- V. Adjournment

Dated: February 2, 2024.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2024–02487 Filed 2–6–24; 8:45 am]

**BILLING CODE P**

#### COMMISSION ON CIVIL RIGHTS

##### Notice of Public Meeting of the District of Columbia 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 District of Columbia Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting via Zoom. The purpose of the meeting is to discuss briefing planning and select panelists for the upcoming briefings to hear testimony on access to special education and related transportation services for students with disabilities.

**DATES:** Wednesday, February 21, 2024, from 12:00 p.m.–1:00 p.m. Eastern Time.

**ADDRESSES:** The meeting will be held via Zoom.

*Registration Link (Audio/Visual):*

<https://bit.ly/3OssfN8>.

*Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: 161 251 1509#.

**FOR FURTHER INFORMATION CONTACT:**

Mallory Trachtenberg, DFO, at [mtrachtenberg@usccr.gov](mailto:mtrachtenberg@usccr.gov) or 1–202–809–9618.

**SUPPLEMENTARY INFORMATION:** This Committee meeting is available to the public through the registration link above. Any interested member 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](mailto:svillanueva@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 scheduled meeting. Written comments may be emailed to Sarah Villanueva at [svillanueva@usccr.gov](mailto:svillanueva@usccr.gov). Persons who desire additional information may contact the Regional Programs Coordination Unit at 1–202–809–9618.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via [www.facadatabase.gov](http://www.facadatabase.gov) under the Commission on Civil Rights, District of Columbia Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at [svillanueva@usccr.gov](mailto:svillanueva@usccr.gov).

#### Agenda

- I. Welcome and Roll Call
- II. Approval of Minutes
- III. Discussion: Panelist Selection
- IV. Public Comment
- V. Next Steps
- VI. Adjournment

Dated: February 2, 2024.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2024–02477 Filed 2–6–24; 8:45 am]

**BILLING CODE P**

#### DEPARTMENT OF COMMERCE

##### International Trade Administration

##### United States Investment Advisory Council

**AGENCY:** SelectUSA, International Trade Administration, U.S. Department of Commerce.

**ACTION:** Notice of an opportunity to apply for membership on the United States Investment Advisory Council.

**SUMMARY:** The Department of Commerce is currently seeking applications for membership on the United States Investment Advisory Council. The purpose of the Council is to advise the Secretary of Commerce on strategies to attract and retain foreign direct investment to the United States.

**DATES:** Applications for immediate consideration for membership must be received by the Office of SelectUSA by 5 p.m. eastern daylight time (EDT) on Wednesday, March 20, 2024. Applications received after this date may be considered by SelectUSA as appropriate and when vacancies become available.

**ADDRESSES:** Please submit application information by email to [IAC@trade.gov](mailto:IAC@trade.gov).

**FOR FURTHER INFORMATION CONTACT:** Claire Pillsbury, SelectUSA, U.S. Department of Commerce; telephone: (202) 578-8239; email: [IAC@trade.gov](mailto:IAC@trade.gov).

**SUPPLEMENTARY INFORMATION:** The United States Investment Advisory Council (IAC) is established in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. 1001 *et seq.*, to advise the Secretary of Commerce (Secretary) on matters relating to the promotion and retention of foreign direct investment in the United States (FDI).

SelectUSA is accepting applications for membership on the IAC for a two-year term. The IAC functions solely as an advisory committee. The IAC shall advise the Secretary on U.S. government policies and programs that affect FDI; identify and recommend programs and policies to help the United States attract and retain FDI; and recommend ways to support the position of the United States as the world's preeminent destination for FDI. The IAC shall report to the Secretary on its activities and recommendations regarding FDI. In creating its reports, the IAC should survey and evaluate the investment and investment-facilitating activities of stakeholders, should identify and examine specific problems facing potential foreign investors, and should examine the needs of stakeholders to inform the IAC's efforts. The IAC should recommend specific solutions to the problems and needs that it identifies.

The IAC shall consist of no more than forty members appointed by the Secretary. Members shall represent companies and organizations investing, seeking to invest, seeking foreign investors, or facilitating investment across many sectors, including but not limited to:

U.S.-incorporated companies that are majority-owned by foreign companies or

by a foreign individual or individuals, or that generate significant foreign direct investment (e.g., through their supply chains); U.S. companies or entities whose business includes FDI-related activities or the facilitation of FDI; U.S. incorporated companies, regardless of ownership, that are considering expanding their operations in the United States or transferring to the United States operations that are currently being conducted overseas; and Economic development organizations and other U.S. governmental and non-governmental organizations and associations whose missions or activities include the promotion or facilitation of FDI.

Members shall be selected based on their ability to carry out the objectives of the IAC, in accordance with applicable Department of Commerce guidelines, in a manner that ensures that the IAC is balanced in terms of points of view, industry subsector, organization type, geography of the source and the destination of the FDI, and company size. Members shall also represent a broad range of products and services and shall be drawn from large, medium, and small enterprises, private-sector organizations involved in investment, and other investment-related entities including non-governmental organizations, associations, and economic development organizations. The diverse membership of the IAC assures perspectives reflecting the breadth of the IAC's responsibilities, and, where possible, the Department of Commerce will also consider the ethnic, racial, and gender diversity and various abilities of the United States population.

Priority may be given to executives (Chief Executive Officer, Executive Chairman, President, or comparable level of responsibility).

Members shall serve in a representative capacity, representing the views and interests of their sponsoring entity and its particular sector (if applicable). Members are not special government employees and will receive no compensation for their participation in IAC activities. Members will not be reimbursed for travel expenses related to IAC activities. Appointments to the IAC shall be made without regard to political affiliation. Because the IAC will advise the Secretary on U.S. international competitiveness in attracting and retaining FDI, each member must be a U.S. citizen or permanent resident.

Each member shall be appointed for a term of two years and will serve at the pleasure of the Secretary. The Secretary may at his/her discretion reappoint any

member to an additional term or terms, provided that the member proves to work effectively on the IAC and that his/her knowledge and advice is still needed. The IAC will meet a minimum of two times a year with, to the extent practical, additional meetings called at the discretion of the Secretary or his/her designee. Meetings will be held in Washington, DC or elsewhere in the United States, or by teleconference, as feasible. Members are expected to attend a majority of IAC meetings.

To be considered for membership, submit the following information by 5:00 p.m. EDT on March 20, 2024, to the email address listed in the **ADDRESSES** section:

1. Name and title of the individual requesting consideration.
2. A sponsor letter from the applicant on the sponsoring entity's letterhead containing a brief statement of why the applicant should be considered for membership on the IAC. This sponsor letter should also address the applicant's experience and leadership related to foreign direct investment.
3. The applicant's personal resume and short bio (less than 300 words).
4. An affirmative statement that the applicant meets all eligibility criteria, including an affirmative statement that the applicant is not required to register as a foreign agent under the Foreign Agents Registration Act of 1938, as amended.
5. Information regarding the ownership and control of the sponsoring entity, including the stock holdings as appropriate.
6. The sponsoring entity's size, place of incorporation, product or service line, major markets in which the entity operates, and the entity's export or import experience.
7. A profile of the entity's foreign direct investment activities, including investment activities, investment plans, investment-facilitation activities, or other foreign direct investment activities.
8. Brief statement describing how the applicant will contribute to the work of the IAC based on his or her unique experience and perspective (not to exceed 100 words).
9. All relevant contact information, including mailing address, fax, email, phone number, and support staff information where relevant.

#### Public Burden Statement

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork



Reduction Act of 1995 unless the information collection has a currently valid OMB Control Number. The approved OMB Control Number for this information collection is 0690–0038. Without this approval, we could not conduct this information collection. Public reporting for this information collection is estimated to be approximately 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. All responses to this information collection are voluntary. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the International Trade Administration Paperwork Reduction Act Program: [pra@trade.gov](mailto:pra@trade.gov) or to Katelynn Byers, ITA PRA Process Administrator: [Katelynn.Byers@trade.gov](mailto:Katelynn.Byers@trade.gov).

Jasjit Kalra,

Executive Director, SelectUSA.

[FR Doc. 2024–02461 Filed 2–6–24; 8:45 am]

BILLING CODE 3510–DR–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C–428–848]

#### Forged Steel Fluid End Blocks From the Federal Republic of Germany: Preliminary Results and Partial Rescission of the Countervailing Duty Administrative Review; 2022

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to BGH Edelstahl Siegen GmbH (BGH), a producer and exporter of forged steel fluid end blocks (fluid end blocks) from the Federal Republic of Germany (Germany). The period of review (POR) is January 1, 2022, through December 31, 2022.

**DATES:** Applicable February 7, 2024.

**FOR FURTHER INFORMATION CONTACT:** Shane Subler or Rachel Accorsi, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington,

DC 20230; telephone: (202) 482–6241 or (202) 482–3149, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On January 31, 2023, we received a timely request for an administrative review from the petitioner<sup>1</sup> and BGH.<sup>2</sup> On March 14, 2023, Commerce published a notice of initiation of an administrative review of the countervailing duty (CVD) order on fluid end blocks from Germany.<sup>3</sup> On April 20, 2023, we selected BGH and Schmiedewerke Gröditz GmbH (SWG) as mandatory respondents in this administrative review.<sup>4</sup> On September 27, 2023, Commerce extended the deadline for the preliminary results of this review until January 31, 2024.<sup>5</sup>

For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.<sup>6</sup> A list of topics discussed in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

<sup>1</sup> The petitioner is the FEB Fair Trade Coalition, which is comprised of the Ellwood City Forge Company, Ellwood Quality Steels Company, Ellwood National Steel Company, and A. Finkl & Sons.

<sup>2</sup> See Petitioner's Letter, "Request for Administrative Review of Countervailing Duty Order," dated January 31, 2023; see also BGH's Letter, "Request for Administrative Review," dated January 31, 2023.

<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 15642 (March 14, 2023); see also *Forged Steel Fluid End Blocks from the People's Republic of China, the Federal Republic of Germany, India, and Italy: Countervailing Duty Orders, and Amended Final Affirmative Countervailing Duty Determination for the People's Republic of China*, 86 FR 7535 (January 29, 2021) (Order).

<sup>4</sup> See Memorandum, "Respondent Selection," dated April 20, 2023.

<sup>5</sup> See Memorandum, "Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review," dated September 27, 2023.

<sup>6</sup> See Memorandum, "Decision Memorandum for the Preliminary Results and Partial Rescission of the Countervailing Duty Administrative Review; 2022: Forged Steel Fluid End Blocks from the Federal Republic of Germany," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

#### Scope of the Order

The products covered by the *Order* are fluid end blocks from Germany. For a complete description of the scope of the *Order*, see the Preliminary Decision Memorandum.

#### Rescission of Administrative Review, in Part

On April 28, 2023, the petitioner timely withdrew its requests for an administrative review with respect to Schmiedewerke Gröditz GmbH (SWG), voestalpine Bohler Welding Group GmbH (VBG), Buderus Edelstahl GmbH (Buderus), Deutsche Edelstahlwerke GmbH (Edelstahlwerke), and Saarschmiede GmbH FreiformSchmiede (SSF).<sup>7</sup> On May 3, 2023, Commerce notified interested parties that it had suspended the questionnaire response deadlines for SWG based on the petitioners' timely withdrawal of its requests for an administrative review with respect to all companies except for BGH.<sup>8</sup> As no other party requested a review of the above-referenced five companies, in accordance with 19 CFR 351.213(d)(1), we are rescinding this administrative review with respect to SWG, VBG, Buderus, Edelstahlwerke, and SSF. For additional information regarding this determination, see the Preliminary Decision Memorandum.

#### Methodology

Commerce is conducting this CVD administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found to be countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>9</sup> For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

#### Preliminary Results of Review

As a result of this review, we preliminarily determine the following net countervailable subsidy rate for the POR January 1, 2022, through December 31, 2022:

<sup>7</sup> See Petitioner's Letter, "Petitioners' Withdrawal of Request for 2022 Administrative Review for Certain Entities," dated April 28, 2023.

<sup>8</sup> See Memorandum, "Suspension of Questionnaire Response Deadline," dated May 3, 2023.

<sup>9</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

Company	Subsidy rate (percent <i>ad valorem</i> )
BGH Edelstahl Siegen GmbH <sup>10</sup>	2.54

Disclosure and Public Comment

Commerce intends to disclose its calculations performed to interested parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance.<sup>11</sup> A timeline for the submission of case briefs and written comments will be notified to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.<sup>12</sup> Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.<sup>13</sup>

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.<sup>14</sup> Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive

<sup>10</sup> As discussed in the Preliminary Decision Memorandum, Commerce found the following companies to be cross-owned with BGH Edelstahl Siegen GmbH: Boschgotthardshütte O. Breyer GmbH, BGH Edelstahlwerke GmbH, RPS Rohstoff-, Press- und Schneidbetrieb Siegen GmbH, and SRG Schrott und Recycling GmbH.

<sup>11</sup> See 19 CFR 351.309(c)(1)(ii); see also 19 CFR 351.303 for general filing requirements.

<sup>12</sup> See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

<sup>13</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>14</sup> We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).<sup>15</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain: (1) the party’s name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. An electronically filed hearing request must be received successfully in its entirety by Commerce’s electronic records system, ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.

**Verification**

As provided in section 782(i)(3) of the Act, Commerce intends to verify the information relied upon in making its final determination.

**Final Results**

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised by the parties in any written briefs, no later than 120 days after the date of publication of these preliminary results.

**Assessment Rate**

In accordance with 19 CFR 351.221(b)(4)(i), we preliminarily assigned a subsidy rate in the amount shown above for BGH. Upon completion of the administrative review, consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review.

For the companies in which this review is rescinded, we will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2022, through December 31, 2022, in accordance with 19 CFR 351.212(c)(1)(i). We intend to issue assessment instructions to CBP no earlier than 35 days after the date of

publication of this notice in the **Federal Register**.

For BGH, we intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

**Cash Deposit Requirements**

In accordance with section 751(a)(1) of the Act, Commerce intends, upon publication of the final results, to instruct CBP to collect cash deposits of estimated countervailing duties in the amount shown for BGH (and its cross-owned affiliates) listed above on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most recent company-specific, or all others rate (*i.e.*, 6.29 percent),<sup>16</sup> applicable to the company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

**Notification to Interested Parties**

These preliminary results are issued and published pursuant to sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: January 31, 2024.

**Abdelali Elouaradia,**  
*Deputy Assistant Secretary for Enforcement and Compliance.*

**Appendix**

**List of Topics Discussed in the Preliminary Decision Memorandum**

I. Summary  
II. Background  
III. Partial Recission of Review  
IV. Scope of the *Order*  
V. Subsidies Valuation Information  
VI. Interest Rate Benchmarks  
VII. Analysis of Programs  
VIII. Recommendation

[FR Doc. 2024–02423 Filed 2–6–24; 8:45 am]

**BILLING CODE 3510–DS–P**

<sup>15</sup> See *APO and Service Final Rule*.

<sup>16</sup> See *Order*, 86 FR at 7536.

**DEPARTMENT OF COMMERCE****International Trade Administration****[A-428-847]****Forged Steel Fluid End Blocks From Germany: Preliminary Results of Antidumping Duty Administrative Review and Rescission, in Part; 2022****AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that forged steel fluid end blocks (FEBs) from Germany were sold in the United States at prices below normal value during the period of review (POR) January 1, 2022, through December 31, 2022. Interested parties are invited to comment on these preliminary results.**DATES:** Applicable February 7, 2024.**FOR FURTHER INFORMATION CONTACT:** Mark Hoadley, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3148.**SUPPLEMENTARY INFORMATION:****Background**

On January 29, 2021, Commerce published the antidumping duty order on FEBs from Germany.<sup>1</sup> On January 31, 2023, Commerce received requests for an administrative review from BGH Edelstahl Siegen GmbH (BGH) and the petitioners.<sup>2</sup> On March 14, 2023, in accordance with 19 CFR 351.221(c)(1)(i), Commerce initiated an administrative review of the *Order*, covering six companies, including BGH.<sup>3</sup> On April 28, 2023, the petitioners withdrew their request for review for all companies except BGH.<sup>4</sup> Thus, there are no outstanding review requests for any company other than BGH. Pursuant to section 751(a)(3)(A) of the Tariff Act of

1930, as amended (the Act), on September 18, 2023, Commerce extended the deadline for the preliminary results until January 31, 2024.<sup>5</sup>

For a detailed description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.<sup>6</sup> A list of topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is available via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Scope of the Order**

The products covered by this review are fluid end blocks from Germany, whether in finished or unfinished form, and which are typically used in the manufacture or service of hydraulic pumps. For a full description of the scope of the *Order*, *see* the Preliminary Decision Memorandum.

**Partial Rescission of Administrative Review**

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90 days of the date of publication of the notice of initiation. On April 28, 2023, we received a timely withdrawal request from the petitioners for their review requests for all companies except BGH.<sup>7</sup> Because no other party requested a review of those companies, Commerce is rescinding this review with respect to the following five companies, in accordance with 19 CFR 351.213(d)(1): Buderus Edelstahl GmbH, Deutsche Edelstahlwerke GmbH, Saarschmiede GmbH Freiformschmiede, Schmiedewerke Gröditz GmbH, and voestalpine Böhler Group.

**Methodology**

Commerce is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Act. We calculated export price in accordance with section 772(a) of the Act. For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum.

**Preliminary Results of the Review**

We preliminarily determine the following estimated weighted-average dumping margin for the period January 1, 2022, through December 31, 2022.

Exporter or Producer	Weighted-average dumping margin (percent)
BGH Edelstahl Siegen GmbH ....	19.96

**Disclosure and Public Comment**

Commerce intends to disclose the calculations performed for these preliminary results of review to interested parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs to Commerce no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the date for filing case briefs.<sup>8</sup> Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>9</sup>

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.<sup>10</sup> Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment

<sup>1</sup> *See Forged Steel Fluid End Blocks from the Federal Republic of Germany and Italy: Amended Final Antidumping Duty Determination for the Federal Republic of Germany and Antidumping Duty Orders*, 86 FR 7528 (January 29, 2021) (*Order*).

<sup>2</sup> *See* BGH's Letter, "Request for Administrative Review," dated January 31, 2023; *see also* Petitioners' Letter, "Request for Administrative Review," dated January 31, 2023. The petitioners are: Ellwood City Forge Company, Ellwood Quality Steels Company, Ellwood National Steel Company, and A. Finkl & Sons.

<sup>3</sup> *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 15642 (March 14, 2023).

<sup>4</sup> *See* Petitioners' Letter, "Petitioners' Withdrawal of Request for 2022 Administrative Review for Certain Entities," dated April 28, 2023.

<sup>5</sup> *See* Memorandum, "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated September 28, 2023.

<sup>6</sup> *See* Memorandum, "Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review and Rescission, in Part: Forged Steel Fluid End Block from Germany; 2022," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>7</sup> *See* Petitioners' Letter, "Petitioners' Withdrawal of Request for 2022 Administrative Review for Certain Entities," dated April 28, 2023.

<sup>8</sup> *See* 19 CFR 351.309(d); *see also* *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Final Service Rule*).

<sup>9</sup> *See* 19 CFR 351.309(c)(2) and (d)(2).

<sup>10</sup> We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).<sup>11</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; (3) whether any participant is a foreign national; and (4) a list of issues the party intends to discuss. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.<sup>12</sup>

All submissions should be filed using ACCESS,<sup>13</sup> and must be served on interested parties.<sup>14</sup>

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

### Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this administrative review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has

expired (*i.e.*, within 90 days of publication).

If BGH's weighted-average dumping margin is not zero or *de minimis* (*i.e.*, less than 0.50 percent) in the final results of this review, Commerce intends to calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales. Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales.<sup>15</sup> To determine whether an importer-specific, per-unit assessment rate is *de minimis*, in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. If BGH's weighted-average dumping margin is zero or *de minimis* or where an importer-specific *ad valorem* assessment rate is zero or *de minimis*, we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.<sup>16</sup>

In accordance with Commerce's "automatic assessment" practice, for entries of subject merchandise during the POR produced by BGH for which it did not know that the merchandise was destined for the United States, we intend to instruct CBP to liquidate those entries at the all-others rate in the original less-than-fair-value investigation if there is no rate for the intermediate company(ies) involved in the transaction.<sup>17</sup>

For the companies listed above for which the review is being rescinded, antidumping duties shall be assessed on entries at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue assessment instructions to CBP for the rescinded companies no earlier than 35 days after the date of publication of the preliminary results of this administrative review in the **Federal Register**.<sup>18</sup>

<sup>15</sup> See 19 CFR 351.212(b)(1).

<sup>16</sup> See 19 CFR 351.106(c)(2); *see also* *Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101, 8103 (February 14, 2012).

<sup>17</sup> For a full discussion of this practice, *see* *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

### Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) the company-specific cash deposit rate for BGH will be equal to the weighted-average dumping margin established in the final results of this review (except, if that rate is *de minimis* within the meaning of 19 CFR 351.106(c)(1), then the cash deposit rate will be zero); (2) for producers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding in which they were reviewed; (3) if the exporter is not a firm covered in this review or a prior segment of the proceeding but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 4.79 percent, the all-others rate established in the less-than-fair-value investigation.<sup>18</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

### Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(h)(2) and 351.221(b)(4).

<sup>18</sup> See *Order*, 86 FR at 7530.

<sup>11</sup> See *APO and Final Service Rule*.

<sup>12</sup> See 19 CFR 351.310(c).

<sup>13</sup> See 19 CFR 351.303.

<sup>14</sup> See 19 CFR 351.303(f).

Dated: January 31, 2024.

**Abdelali Elouaradia,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

## Appendix

### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Partial Rescission of Administrative Review
- V. Affiliations
- VI. Discussion of the Methodology
- VII. Currency Conversion
- VIII. Recommendation

[FR Doc. 2024-02422 Filed 2-6-24; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-911]

### Thermal Paper From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2021–2022

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that the sole producer/exporter subject to this administrative review made sales of subject merchandise at less than normal value during the period of review (POR), May 12, 2021, through October 31, 2022.

**DATES:** Applicable February 7, 2024.

**FOR FURTHER INFORMATION CONTACT:** Lilit Astvatsatryan, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-6412.

### SUPPLEMENTARY INFORMATION:

#### Background

On November 29, 2023, Commerce published the *Preliminary Results* and invited comments from interested parties.<sup>1</sup> No interested party submitted comments on the *Preliminary Results*. Accordingly, the final results remain unchanged from the *Preliminary Results*, and thus, there is no decision memorandum accompanying this notice. Commerce conducted this administrative review in accordance

with section 751 of the Tariff Act of 1930, as amended (the Act).

#### Scope of the Order<sup>2</sup>

The merchandise covered by this order is thermal paper. For a complete description of the scope of the Order, see the *Preliminary Results*.<sup>3</sup>

#### Final Results of Review

For these final results, we determine that the following estimated weighted-average dumping margin exists for the period May 12, 2021, through October 31, 2022:

Producer/exporter	Weighted-average dumping margin (percent)
Hansol Paper Company .....	2.09

#### Disclosure

Normally, Commerce will disclose to the parties in a proceeding the calculations performed in connection with the final results of review within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because we have made no changes from the *Preliminary Results*, there are no new calculations to disclose.

#### Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. Pursuant to 19 CFR 351.212(b)(1), because Hansol Paper Company (Hansol) reported the entered value for all of its U.S. sales, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of those same sales.

Commerce's "automatic assessment" will apply to entries of subject merchandise during the POR produced by Hansol for which the company did not know that the merchandise it sold to an intermediary (e.g., a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate such entries at the all-others

rate if there is no rate for the intermediate company(ies) involved in the transaction.<sup>4</sup>

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

#### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication in the **Federal Register** of these final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Hansol will be equal to the weighted-average dumping margin established in these final results of this administrative review; (2) for previously investigated or reviewed companies not covered in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the less-than-fair-value (LTV) investigation, but the producer is, then the cash deposit rate will be the cash deposit rate established for the most recently completed segment for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers and exporters will continue to be 6.19 percent, the all-others rate established in the LTFV investigation.<sup>5</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties

<sup>1</sup> See *Thermal Paper from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2021–2022*, 88 FR 83384 (November 29, 2023) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> See *Thermal Paper from Germany, Japan, the Republic of Korea, and Spain: Antidumping Duty Order*, 86 FR 66284 (November 22, 2021) (*Order*).

<sup>3</sup> See *Preliminary Results PDM* at 2–3.

<sup>4</sup> See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2023).

<sup>5</sup> See *Order*, 86 FR 66286.

occurred and the subsequent assessment of double antidumping duties.

### Administrative Protective Order

This notice serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition 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 sanctionable violation.

### Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

Dated: February 1, 2024.

**Abdelali Elouaradia,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2024-02510 Filed 2-6-24; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Alaska Crab Arbitration

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on September 19, 2023, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* National Oceanic and Atmospheric Administration (NOAA), Commerce.

*Title:* Alaska Crab Arbitration.

*OMB Control Number:* 0648-0516.

*Form Number(s):* None.

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

*Number of Respondents:* 2.

*Average Hours per Response:* Annual Arbitration Organization Report: 6 hours; Cost Allocation Agreement: 16 hours.

*Total Annual Burden Hours:* 28 hours.

*Needs and Uses:* The National Marine Fisheries Service (NMFS), Alaska Regional Office, is requesting extension of a currently approved information collection for the Arbitration System for the Crab Rationalization Program.

The Crab Rationalization Program allocates Bering Sea and Aleutian Islands (BSAI) crab resources among harvesters, processors, and coastal communities. Under the Crab Rationalization Program, eligible License Limitation Program license holders were issued crab quota shares (QS), which are long term shares, based on their qualifying license histories. The QS yield annual individual fishing quota (IFQ) that is an exclusive harvest privilege for a portion of the total allowable catch. Processor quota shares (PQS) are long term shares issued to processors. The PQS yield annual individual processor quota (IPQ) that is an exclusive privilege to receive, for processing, a portion of the crab harvested with Class A IFQ.

This information collection for the Arbitration System is necessary for NMFS to manage the Crab Rationalization Program crab fisheries in the BSAI. This information collection is implemented under the Crab Rationalization Program and required by regulations at 50 CFR 680.20. NMFS requires that harvesters and processors abide by an Arbitration System established to stabilize prices and negotiations during the crab harvest season. The Arbitration System is necessary to reduce contention in price negotiations. The information collected is necessary for NMFS to verify the membership of the arbitration organizations and maintain the Arbitration System.

The Arbitration System was designed to fairly and equitably resolve price, delivery terms, performance standards, and other disputes in the event that IFQ and IPQ holders are unable to reach agreement on arbitration proceedings. The Arbitration System is also designed to minimize the potential for antitrust violations. The Arbitration System includes a provision for open negotiations among IPQ and IFQ holders, as well as various negotiation approaches, including a share matching

approach, a lengthy season approach where parties may postpone binding arbitration until during the season, and a binding arbitration procedure to resolve price disputes between an IPQ holder and eligible IFQ holders. The Arbitration System also provides for dissemination of market information to facilitate negotiations, coordination of matching Class A IFQ held by harvesters to IPQ held by processors, and the opportunity to use the binding arbitration process to resolve terms of price and delivery. Certain aspects of the Arbitration System are required of catcher vessel owners who hold QS/IFQ and PQS/IPQ holders and operate regardless of whether participants in the fishery actually initiate binding arbitration in order to resolve terms of price or delivery.

This information collection contains five components of the Arbitration System that are submitted to NMFS. Four are submitted annually: the Annual Arbitration Organization Report, the Market Report, the Non-binding Price Formula Report, and the Cost Allocation Agreement. The Contract Arbitrator Report is submitted if any arbitrations occur within a fishery.

The Annual Arbitration Organization Report is compiled by each of the two arbitration organizations; one organization represents the processors, and the second represents the harvesters. This report includes information on the arbitration organization and its management personnel, the crab QS fisheries to which the report applies, the ownership interest and the QS/IFQ or PQS/IPQ held by each member; and the arbitration process.

The Cost Allocation Agreement provides combined shared arbitration accounting costs. Federal regulations for the Crab Rationalization Program require that the crab arbitration costs are shared equally between IPQ holders and Class A IFQ holders—processors pay half and fishermen pay half.

The arbitration organizations use contracted parties to meet the requirements of the Market Report, Nonbinding Price Formula Report, and Contractor Arbitrator Report.

The Non-binding Price Formula Report is a pre-season report that is designed to serve as a starting point for negotiations between fishermen and processors, or as a starting point for an arbitrator in evaluating offers in an arbitration process. This report documents how each formula was developed.

The Market Report provides an analysis of the market for products of a specific crab fishery and reports on

activities occurring within three months prior to its generation. The purpose of this report is to provide background information on each crab fishery, the products generated by each fishery, and position of those products in the marketplace; discuss the historical division of wholesale revenue; and provide the methods for predicting wholesale prices before the fishery occurs.

The Contract Arbitrator Report documents arbitration proceedings if they occur within a fishery.

**Affected Public:** Individuals or households; Business or other for-profit organizations.

**Frequency:** Annually; As needed.

**Respondent's Obligation:** Mandatory.

**Legal Authority:** Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0516.

**Sheleen Dumas,**

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

[FR Doc. 2024–02508 Filed 2–6–24; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Marine Mammal Stranding Reports/Marine Mammal Rehabilitation Disposition Report/Human Interaction Data Sheet

**AGENCY:** National Oceanic & Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of information collection, request for comment.

**SUMMARY:** The Department of Commerce, in accordance with the

Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before April 8, 2024.

**ADDRESSES:** Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at [NOAA.PRA@noaa.gov](mailto:NOAA.PRA@noaa.gov). Please reference OMB Control Number 0648–0178 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or specific questions related to collection activities should be directed to Stephen Manley, Biologist, Office of Protected Resources, 1315 East West Highway, #13604, Silver Spring, MD 20910, (301) 427–8476 or [stephen.manley@noaa.gov](mailto:stephen.manley@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

This request is for a 1-year extension of this previously approved data collection. An extension is requested in order to provide time for the program office to address revisions to the collection pursuant to a recent law. Under the Marine Mammal Protection Act (MMPA), the Secretary of Commerce (Secretary), who has delegated responsibility under this Act to the National Oceanic and Atmospheric Administration (NOAA) Assistant Administrator for Fisheries, is charged with the protection and management of marine mammals and is responsible for collecting information on marine mammal strandings, which will be compiled and analyzed, by region, to monitor species, numbers, conditions, and causes of illnesses and deaths of stranded animals. The Secretary is also responsible for collection of information on other life history and reference level data, including marine mammal tissue analyses, that would allow comparison of the causes of illness and deaths in stranded marine mammals by physical, chemical, and biological environmental parameters.

In addition, determinations must be made on the sustainability of population stocks, on the impact of fisheries and

other human activities on marine mammals and endangered species, and on the health of marine mammals and related environmental considerations. NOAA's National Marine Fisheries Service (NMFS) has the responsibility to carry out these mandates.

Section 402(b) of the MMPA (16 U.S.C. 1421a) requires the Secretary to collect and update information on strandings. It further provides that the Secretary shall compile and analyze, by region, the species, numbers, conditions, and causes of illnesses and deaths in stranded marine mammals. Section 404 (a) of the MMPA (16 U.S.C. 1421c) mandates that the Secretary respond to unusual marine mammal mortality events. Without a historical baseline provided by marine mammal information collected from strandings, detection of such events could be difficult and the investigation could be impeded. Section 401(b) of the MMPA (16 U.S.C. 1421) requires NMFS to facilitate the collection and dissemination of reference data on the health of marine mammal populations in the wild and to correlate health with physical, chemical, and biological environmental parameters. In order to perform this function, NMFS must standardize data collection protocols for health and correlations. Data and samples collected from stranded animals are a critical part of the implementation of this mandate of the MMPA.

Specifically, the data from the Marine Mammal Stranding Report (MMSR) forms provide NMFS with information on the morphology, life history, biology, general health, health and stranding trends, causes of mortality, and distribution of marine mammal species. These data provide information which may help in making assessments on the status of population stocks. Recording data on gross mortalities may serve as an indicator that a particular population is impacted, threatened or at increased risk, and when provided in a timely manner, aid in dynamic management practices. Stranding data also provide an important baseline for detecting and monitoring the impacts of environmental phenomena, such as El Niño and Harmful Algal Blooms (HABs). Minor edits to the current version of the form are proposed, including beginning to collect live, entangled large whale data in this data collection and streamlining the confidence codes.

The Marine Mammal Rehabilitation Disposition Report (MMRDR) provides NMFS with information on the disposition of animals brought in for rehabilitation, the success of medical



treatment, and the number of animals released. This information will assist the Agency in tracking marine mammals that move into captive display and in the monitoring of rehabilitation and release. The data will also be used to assess the burden on stranding network centers. This form will be filled out only in the case of live-stranded marine mammals. The form will be required from rehabilitation centers in all five NMFS Regions. Each of the NMFS regions approves and issues a Letter of Agreement (LOA) or other form of agreement to marine mammal rehabilitation centers under § 112(c) of the MMPA, which allows the Secretary to enter into agreements in order to fulfill the general purposes of the Act, and under § 403 of the MMPA, which provides specific authority to enter into such stranding response agreements. These data will be monitored as part of the Rehabilitation Facilities Inspection (RFI) program. No changes are proposed to this form.

The Human Interaction Data Sheet will provide NMFS with consistent and detailed information on signs of human interaction in stranded marine mammals. This form also includes a subjective section that allows the examiner to evaluate the likelihood that human interaction contributed to the stranding of the animal. This information will assist the Agency in tracking resource conflicts and will provide a solid scientific foundation for conservation and management of marine mammals. With a better understanding of interactions, appropriate measures can be taken to resolve conflicts and stranding data are the best source of information regarding the occurrence of different types of human interaction. No changes are proposed for this form.

## II. Method of Collection

Paper applications, electronic reports, and telephone calls are required from participants, and methods of submittal include internet through the NMFS National Marine Mammal Stranding Database; facsimile transmission of paper forms; or mailed copies of forms.

## III. Data

*OMB Control Number:* 0648–0178.  
*Form Number(s):* None.

*Type of Review:* Regular submission (extension of a current information collection).

*Affected Public:* State governments; not-for-profit institutions; business or other for-profits organizations.

*Estimated Number of Respondents:* 400.

*Estimated Time per Response:* 30 minutes for Stranding Reports and

Rehabilitation Disposition Forms; 45 minutes for the Human Interaction Data Sheet.

*Estimated Total Annual Burden Hours:* 14,600.

*Estimated Total Annual Cost to Public:* \$203.45.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* Marine Mammal Protection Act (MMPA).

## IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Sheleen Dumas,**

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

[FR Doc. 2024–02506 Filed 2–6–24; 8:45 am]

**BILLING CODE 3510–22–P**

## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

### Agency Information Collection Activities; Comment Request; State Service Commission Support Grants Application

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Corporation for National and Community Service (operating as AmeriCorps) is proposing to reinstate and revise an information collection.

**DATES:** Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by April 8, 2024.

**ADDRESSES:** You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) Electronically through [www.regulations.gov](http://www.regulations.gov) (preferred method).

(2) *By mail sent to:* AmeriCorps, Attention Arminda Pappas, 250 E Street SW, Washington, DC, 20525.

(3) By hand delivery or by courier to the AmeriCorps mailroom at the mail address given in paragraph (2) above, between 9 a.m. and 4 p.m. Eastern Time, Monday through Friday, except Federal holidays.

Comments submitted in response to this notice may be made available to the public through [regulations.gov](http://regulations.gov). For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comment that may be made available to the public, notwithstanding the inclusion of the routine notice.

### FOR FURTHER INFORMATION CONTACT:

Arminda Pappas, (202) 606–6659, or by email at [apappas@americorps.gov](mailto:apappas@americorps.gov).

### SUPPLEMENTARY INFORMATION:

*Title of Collection:* State Service Commission Support Grant Application.  
*OMB Control Number:* 3045–0099.

*Type of Review:* Reinstatement.

*Respondents/Affected Public:* Organizations and State governments.  
*Total Estimated Number of Annual Responses:* 52.

*Total Estimated Number of Annual Burden Hours:* 1,820.

*Abstract:* This information collection is for the application in AmeriCorps' online grant application system, eGrants, which applicants must use to respond to AmeriCorps Commission Support Grant funding opportunities. With this reinstatement, the application is being revised to delete the

supplemental process information. AmeriCorps estimates this deletion will decrease the number of burden hours by approximately two hours per application. The currently approved information collection is due to expire on February 29, 2024.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. All written comments will be available for public inspection on [regulations.gov](https://www.regulations.gov).

Sonali Nijhawan,

Director, AmeriCorps State and National.

[FR Doc. 2024-02459 Filed 2-6-24; 8:45 am]

BILLING CODE 6050-28-P

## DEPARTMENT OF EDUCATION

[Docket No.: ED-2024-SCC-0022]

### Agency Information Collection Activities; Comment Request; The College Assistance Migrant Program (CAMP) Annual Performance Report (APR)

**AGENCY:** Office of Elementary and Secondary Education (OESE), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a revision of a currently approved information collection request (ICR).

**DATES:** Interested persons are invited to submit comments on or before April 8, 2024.

**ADDRESSES:** To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2024-SCC-0022. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](https://www.regulations.gov) site is not available to the public for any reason, the Department will temporarily accept comments at [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Manager of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W203, Washington, DC 20202-8240.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Andrew Brake, (202) 453-6136.

**SUPPLEMENTARY INFORMATION:** The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be

processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

**Title of Collection:** The College Assistance Migrant Program (CAMP) Annual Performance Report (APR).

**OMB Control Number:** 1810-0727.

**Type of Review:** Revision of a currently approved ICR.

**Respondents/Affected Public:** State, Local, and Tribal Governments.

**Total Estimated Number of Annual Responses:** 60.

**Total Estimated Number of Annual Burden Hours:** 1,380.

**Abstract:** This information collection request revises the 1810-0727 College Assistance Migrant Program (CAMP) Annual Performance Report (APR) collection. These changes include language replacements, removals, and additions intended to ensure compliance with 34 CFR 75.110 and OMB Circular A-110, improve clarity of instructions and data collection, and remove duplicative language. Substantive changes include the addition of a data element related to mode of instruction and the removal of a data element related to the SAT and ACT. For a complete list of revisions, please see the attached summary, which will be shared with the public and Office of Management and Budget (OMB) as a supplemental document.

The Office of Migrant Education (OME) collects information for the CAMP, which is authorized under Title IV, Section 418A of the Higher Education Act of 1965, as amended by Section 408 of the Higher Education Opportunity Act (HEOA)(20 U.S.C. 1070d-2) (special programs for students whose families are engaged in migrant and seasonal farmwork), and 2 CFR 200.328, which requires that recipients of discretionary grants submit an APR to best inform improvements in program outcomes and productivity.

Although the Education Department continues to use the generic 524B, the OME requests continued use of a customized APR that goes beyond the generic 524B APR to facilitate the collection of more standardized and comprehensive data to inform performance measure indicators, to improve the overall quality of data collected, and to increase the quality of

data that can be used to inform policy decisions.

Dated: February 1, 2024.

**Kun Mullan,**

*PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.*

[FR Doc. 2024-02408 Filed 2-6-24; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Portsmouth

**AGENCY:** Office of Environmental Management, Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Portsmouth. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Thursday, March 7, 2024; 6:00 p.m.–8:00 p.m. ET

**ADDRESSES:** The Ohio State University, Endeavor Center, 1862 Shyville Road, Room 165, Piketon, Ohio 45661.

**FOR FURTHER INFORMATION CONTACT:** Greg Simonton, Federal Coordinator, by Phone: (740) 897-3737 or Email: [greg.simonton@pppo.gov](mailto:greg.simonton@pppo.gov).

#### SUPPLEMENTARY INFORMATION:

*Purpose of the Board:* The purpose of the Board is to provide advice and recommendations concerning the following EM site-specific issues: clean-up activities and environmental restoration; waste and nuclear materials management and disposition; excess facilities; future land use and long-term stewardship. The Board may also be asked to provide advice and recommendations on any EM program components.

#### Tentative Agenda

- Review of Agenda
- Presentation
- Administrative Activities
- Public Comments

*Public Participation:* The meeting is open to the public. The EM SSAB, Portsmouth, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Greg Simonton as soon as possible in

advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Comments received by no later than 5:00 p.m. ET on Friday, March 1, 2024, will be read aloud during the meeting. Comments will also be accepted after the meeting, by no later than 5:00 p.m. ET on Tuesday, March 12, 2024. Please submit comments to Greg Simonton at the aforementioned email address. Please put “Public Comment” in the subject line. Individuals who wish to make oral statements pertaining to agenda items should contact Greg Simonton at the telephone number listed above.

Requests must be received as soon as possible prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments. The EM SSAB, Portsmouth, will hear public comments pertaining to its scope (clean-up standards and environmental restoration; waste management and disposition; stabilization and disposition of non-stockpile nuclear materials; excess facilities; future land use and long-term stewardship; risk assessment and management; and clean-up science and technology activities). Comments outside of the scope may be submitted via written statement as directed above.

*Minutes:* Minutes will be available by writing or calling Greg Simonton, Federal Coordinator, U.S. Department of Energy, Portsmouth/Paducah Project Office, P.O. Box 700, Piketon, OH 45661, Email: [greg.simonton@pppo.gov](mailto:greg.simonton@pppo.gov) or by Phone: (740) 897-3737. Minutes will also be available at the following website: <https://www.energy.gov/pppo/ports-ssab/listings/meeting-materials>.

*Signing Authority:* This document of the Department of Energy was signed on February 1, 2024, by David Borak, Deputy Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters

the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on February 2, 2024.

**Treena V. Garrett,**

*Federal Register Liaison Officer, U.S. Department of Energy.*

[FR Doc. 2024-02449 Filed 2-6-24; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 15332-000]

#### York Energy Storage, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On November 14, 2023, York Energy Storage, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the York Energy Storage Waterpower Project to be located near Lake Clarke, formed by the Safe Harbor Dam on the Susquehanna River, and Chanceford Township in York County, Pennsylvania. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) a 9,800-foot-long, 225-foot-high dam, a 700-foot-long, 95-foot-high dike, and a 1,300-foot-long, 35-foot-high dike, creating an upper reservoir with a 580-acre surface area and a 26,000-acre-foot storage capacity at a normal pool elevation of 680 feet North American Vertical Datum of 1988 (NAVD88); (2) a 150-foot-long, 50-foot-wide concrete-lined emergency spillway at the east end of the upper reservoir; (3) utilization of Lake Clarke as a lower reservoir with a 7,360-acre surface area and a 144,000-acre-foot storage capacity at a normal pool elevation of 227.2 feet NAVD88; (4) a 44-foot-diameter shaft and tunnel trifurcating into three 20-foot-diameter steel-lined tunnels; (5) a 1,000-foot-long, 250-foot-wide, 50-foot-high underground powerhouse containing three 286-megawatt (MW) reversible pumping-generating units with a total installed capacity of 858 MW; (6) a 1,500-foot-long powerhouse access tunnel, an 18-foot-diameter vent,

and cable shaft; (7) three concrete-lined tunnels leading to an outlet structure in Lake Clarke; (8) a 2,000-foot-long, 100-foot-wide porous dike, serving as part of the intake structure for fish protection, situated at the edge of Lake Clarke; (9) a 250-foot-long, 250-foot-wide above-ground switchyard; (10) a 3-mile-long, 500-kilovolt transmission line from a proposed switchyard to the Safe Harbor Substation in Manor Township, Lancaster County, Pennsylvania; and (11) appurtenant facilities. The proposed project would have an annual generation of 1,500,000 megawatt-hours.

**Applicant Contact:** Mr. William M. McMahon, York Energy Storage, LLC, 4824 Briarwood Circle, Reading, PA 19606; email: [william.mcmahon.econ@earthlink.net](mailto:william.mcmahon.econ@earthlink.net); phone: (610) 823-2762.

**FERC Contact:** Woohee Choi; email: [woohee.choi@ferc.gov](mailto:woohee.choi@ferc.gov); phone: (202) 502-6336.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at <https://ferconline.ferc.gov/eFiling.aspx>.

Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-15332-000.

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](mailto:OPP@ferc.gov).

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of the Commission's website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-15332) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: February 1, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024-02464 Filed 2-6-24; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP23-542-000]**

#### **Golden Triangle Storage, L.L.C.; Notice of Availability of the Environmental Assessment for the Proposed Golden Triangle Storage Expansion Project**

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Golden Triangle Storage Expansion Project (Project), proposed by Golden Triangle Storage, L.L.C. (Golden Triangle) in the above-referenced docket. Golden Triangle requests authorization to conduct the following construction activities in Jefferson County, Texas.

- developing and operating two new salt dome natural gas storage caverns and appurtenant facilities;
- constructing and operating a brine disposal well and brine disposal pipeline;
- constructing and operating six new 5,500 horsepower compressor units and appurtenant facilities; and
- constructing and operating two new service corridors and three new permanent access roads.

The EA assesses the potential environmental effects of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed Project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The Commission mailed a copy of the *Notice of Availability* to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website ([www.ferc.gov](http://www.ferc.gov)), on the natural gas environmental documents page (<https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents>). In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (<https://elibrary.ferc.gov/eLibrary/search>), select "General Search" and enter the docket number in the "Docket Number" field, excluding the last three digits (*i.e.* CP23-542). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov) or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

The EA is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Any person wishing to comment on the EA may do so. Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before 5:00 p.m. Eastern Time on March 4, 2024.

For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208-3676 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov). Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You must select the type of filing you are making. If you are filing a comment on a particular project, please select "Comment on a Filing"; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP23-542-000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. At this point in this proceeding, the timeframe for filing timely intervention requests has expired. Any person seeking to become a party to the proceeding must file a motion to intervene out-of-time pursuant to Rule 214(b)(3) and (d) of the Commission's Rules of Practice and Procedures (18 CFR 385.214(b)(3) and (d)) and show good cause why the time limitation should be waived. Motions to intervene are more fully described at <https://www.ferc.gov/how-intervene>.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website ([www.ferc.gov](http://www.ferc.gov)) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for

rehearing, the public is encouraged to contact OPP at (202) 502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

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. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

Dated: February 1, 2024.

**Debbie-Anne A. Reese,**  
Acting Secretary.

[FR Doc. 2024-02466 Filed 2-6-24; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 3451-047]

#### Beaver Falls Municipal Authority; Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

- a. *Type of Application:* New Major License.
- b. *Project No.:* 3451-047.
- c. *Date filed:* August 1, 2022.<sup>1</sup>
- d. *Applicant:* Beaver Falls Municipal Authority.
- e. *Name of Project:* Townsend Water Power Project (Townsend Project or project).
- f. *Location:* On the Beaver River, in the Borough of New Brighton in Beaver County, Pennsylvania.
- g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).
- h. *Applicant Contact:* James Riggio, General Manager, Beaver Falls Municipal Authority, P.O. Box 400, Beaver Falls, PA 15010; (724) 846-2400.
- i. *FERC Contact:* Claire Rozdilski at 202-502-8259; or email at [claire.rozdilski@ferc.gov](mailto:claire.rozdilski@ferc.gov).

<sup>1</sup> The Commission's Rules of Practice and Procedure provide that if a deadline falls on a Saturday, Sunday, holiday, or other day when the Commission is closed for business, the deadline does not end until the close of business on the next business day. 18 CFR 385.2007(a)(2). Because the deadline for filing a license application fell on a Sunday (*i.e.*, July 31, 2022), the deadline was extended until the close of business on Monday, August 1, 2022.

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may send a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All filings must clearly identify the project name and docket number on the first page: Townsend Water Power Project (P-3451-047).

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted but is not ready for environmental analysis at this time.

l. The Townsend Project includes: (1) a 450-foot-long and 13-foot-high dam, constructed of rock-filled timber cribs encased in concrete, with a crest elevation 698.63 feet National Geodetic Vertical Datum of 1929 (NGVD29); (2) an approximately 25-acre reservoir with a gross storage capacity of 200 acre-feet at normal water surface elevation of 698.78 feet NGVD29; (3) a short entrance channel excavated in rock near the left dam abutment that directs water to an intake structure with 17-foot-wide trashracks with 5-inch clear bar spacing; (4) a 52-foot-long by 46-foot-wide concrete powerhouse; (5) two double-regulated open-pit type turbine-generator units each rated at 2,500 kilowatts (kW) for a total installed capacity of 5,000 kW; (6) an approximately 230-foot-long tailrace, excavated in rock at a normal tailwater elevation of 681.17 feet NGVD29; (7) a 500-foot-long, 23-kilovolt (kV) transmission line owned by Duquesne Light Company; (8) 4.16-kV generator

leads, a 60-foot-long section of 5-kV underground cable leading to a 4.16/23-kV transformer in an outdoor substation; and (9) appurtenant facilities. The average annual generation was 19,524 megawatt-hours for the period from 2015 to 2019.

The Townsend Project operates in a run-of-river mode with a continuous minimum flow of 304 cubic feet per second (cfs), or inflow, whichever is less. The flow for operating a single unit is 600 cfs and minimum river flow for the project operation is 904 cfs. There is minimal to no available usable storage behind the dam and if river flow is less than 904 cfs, all water is spilled over the dam. The project is typically operated automatically, but manual operation may occur during dynamic high-water events. The project is returned to automatic operation when flow decreases.

m. A copy of the application is available for review via the internet through the Commission's Home Page (<http://www.ferc.gov>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll free, (886) 208-3676 or TTY (202) 502-8659.

You may also register online at <https://ferconline.ferc.gov/FEROnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members, and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595, or [OPP@ferc.gov](mailto:OPP@ferc.gov).

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

o. *Procedural schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Issue Scoping Document 1 for comments.	March 2024.
Issue Scoping Document 1 for comments.	March 2024.
Hold Scoping Meeting .....	April 2024.
Scoping Document 1 comments due.	May 2024.
Request Additional Information (if necessary).	June 2024.
Issue Scoping Document 2 (if necessary).	June 2024.
Issue Notice of Ready for Environmental Analysis.	June 2024.

Dated: February 1, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024-02465 Filed 2-6-24; 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 exempt wholesale generator filings:

*Docket Numbers:* EG24-100-000.

*Applicants:* CPV Backbone Solar, LLC.

*Description:* CPV Backbone Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

*Filed Date:* 2/1/24.

*Accession Number:* 20240201-5039.

*Comment Date:* 5 p.m. ET 2/22/24.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10-1474-010; ER10-1478-012; ER10-1473-010; ER10-2689-013.

*Applicants:* West Penn Power Company, Pennsylvania Power Company, Pennsylvania Electric Company, Metropolitan Edison Company.

*Description:* Notice of Non-Material Change in Status of Metropolitan Edison Company, et al.

*Filed Date:* 1/31/24.

*Accession Number:* 20240131-5596.

*Comment Date:* 5 p.m. ET 2/21/24.

*Docket Numbers:* ER10-1789-010; ER10-1768-009; ER10-1771-009; ER16-2725-007.

*Applicants:* PSEG Energy Solutions LLC, PSEG Nuclear LLC, Public Service Electric and Gas Company, PSEG Energy Resources & Trade LLC.

*Description:* Notice of Non-Material Change in Status of PSEG Energy Resources & Trade LLC, et al.

*Filed Date:* 1/31/24.

*Accession Number:* 20240131-5605.

*Comment Date:* 5 p.m. ET 2/21/24.

*Docket Numbers:* ER10-1817-030; ER10-1818-037; ER10-1819-040; ER10-1820-043.

*Applicants:* Northern States Power Company, a Wisconsin corporation, Northern States Power Company, a Minnesota corporation, Public Service Company of Colorado, Southwestern Public Service Company.

*Description:* Notice of Change in Status of Southwestern Public Service Company, et al.

*Filed Date:* 1/31/24.

*Accession Number:* 20240131-5606.

*Comment Date:* 5 p.m. ET 2/21/24.

*Docket Numbers:* ER10-2835-011.

*Applicants:* Google Energy LLC.

*Description:* Notice of Change in Status of Google Energy LLC, et al.

*Filed Date:* 1/31/24.

*Accession Number:* 20240131-5599.

*Comment Date:* 5 p.m. ET 2/21/24.

*Docket Numbers:* ER12-1934-014; ER10-1882-012; ER12-1933-016.

*Applicants:* Interstate Power and Light Company, Wisconsin River Power Company, Wisconsin Power and Light Company.

*Description:* Notice of Change in Status of Wisconsin Power and Light Company, et al.

*Filed Date:* 1/31/24.

*Accession Number:* 20240131-5608.

*Comment Date:* 5 p.m. ET 2/21/24.

*Docket Numbers:* ER16-1720-027; ER21-2137-010.

*Applicants:* IR Energy Management LLC, Invenergy Energy Management LLC.

*Description:* Notice of Change in Status of Invenergy Energy Management LLC, et al.

*Filed Date:* 1/31/24.

*Accession Number:* 20240131-5604.

*Comment Date:* 5 p.m. ET 2/21/24.

*Docket Numbers:* ER17-1742-010; ER13-2490-014; ER17-311-010; ER19-2595-009; ER19-2670-009; ER19-2671-009; ER19-2672-009; ER20-1073-008; ER20-2510-008; ER20-2512-008; ER20-2515-008; ER20-2663-008; ER21-2406-007; ER21-2407-007; ER21-2408-007; ER21-2409-007; ER21-2638-007; ER22-734-006; ER22-2028-005; ER22-2421-004; ER22-2423-004; ER22-2425-004; ER22-2427-004; ER23-1237-002.

*Applicants:* SR Snipesville III, LLC, SR Cedar Springs, LLC, SR Clay, LLC, SR DeSoto I Lessee, LLC, SR DeSoto I, LLC, SR Hazlehurst, LLC, SR Arlington, LLC, SR Perry, LLC, SR Snipesville II, LLC, SR Lumpkin, LLC, SR Georgia Portfolio II Lessee, LLC, Lancaster Solar LLC, SR Snipesville, LLC, SR Georgia Portfolio I MT, LLC, SR Baxley, LLC, Odom Solar LLC, SR Terrell, LLC, SR Arlington II MT, LLC, SR Arlington II, LLC, SR Meridian III, LLC, SR Hazlehurst III, LLC, SR South Loving LLC, Simon Solar, LLC, Hattiesburg Farm, LLC.

*Description:* Notice of Non-Material Change in Status of Hattiesburg Farm, LLC, et al.

*Filed Date:* 1/31/24.

*Accession Number:* 20240131-5594.

*Comment Date:* 5 p.m. ET 2/21/24.

*Docket Numbers:* ER17-2088-004; ER10-2136-022; ER11-4044-032; ER11-4046-031; ER16-2035-004; ER21-2715-005; ER21-2716-005; ER22-2091-004; ER23-1846-002.

*Applicants:* Boomtown Solar Energy LLC, Calhoun Solar Energy LLC, Fairbanks Solar Holdings LLC, Fairbanks Solar Energy Center LLC, Black Oak Wind, LLC, Gratiot County Wind II LLC, Gratiot County Wind LLC, Invenergy Cannon Falls LLC, Apple Blossom Wind, LLC.

*Description:* Notice of Change in Status of Apple Blossom Wind, LLC, et al.

*Filed Date:* 1/31/24.

*Accession Number:* 20240131-5601.

*Comment Date:* 5 p.m. ET 2/21/24.

*Docket Numbers:* ER20-2054-000.

*Applicants:* ISO New England Inc., Central Maine Power Company, Versant Power, Fitchburg Gas and Electric Light Company, Green Mountain Power Corporation, New England Power Company, New Hampshire Transmission, LLC, NSTAR Electric Company, Public Service Company of New Hampshire, The Connecticut Light and Power Company, The United Illuminating Company, Unifit Energy Systems, Inc., Vermont Electric Cooperative, Inc., Vermont Transco LLC.

*Description:* Formal Challenge of Maine Office of Public Advocate to July 31, 2023, Annual Informational Filing by New England Transmission Owners.

*Filed Date:* 1/31/24.

*Accession Number:* 20240131-5415.

*Comment Date:* 5 p.m. ET 2/21/24.

*Docket Numbers:* ER22-381-010; ER10-1781-006; ER19-2626-008; ER21-714-009; ER22-399-004.

*Applicants:* Meadow Lake Solar Park LLC, Indiana Crossroads Wind Farm LLC, Rosewater Wind Farm LLC, Northern Indiana Public Service Company, Dunns Bridge Solar Center, LLC.

*Description:* Notice of Non-Material Change in Status of Dunns Bridge Solar Center, LLC.

*Filed Date:* 1/31/24.

*Accession Number:* 20240131-5603.

*Comment Date:* 5 p.m. ET 2/21/24.

*Docket Numbers:* ER22-2422-003.

*Applicants:* SR Turkey Creek, LLC.

*Description:* Notice of Non-Material Change in Status of SR Turkey Creek, LLC.

*Filed Date:* 1/31/24.

*Accession Number:* 20240131-5597.

*Comment Date:* 5 p.m. ET 2/21/24.

*Docket Numbers:* ER22-2424-003; ER19-53-006; ER22-2426-003; ER22-2428-003.

*Applicants:* SR McKellar Lessee, LLC, SR McKellar, LLC, SR Millington, LLC, SR Bell Buckle, LLC.

*Description:* Notice of Non-Material Change in Status of SR Bell Buckle, LLC, et al.

*Filed Date:* 1/31/24.

*Accession Number:* 20240131-5598.

*Comment Date:* 5 p.m. ET 2/21/24.

*Docket Numbers:* ER23-235-001.

*Applicants:* Old Gold Energy Center, LLC.

*Description:* Notice of Non-Material Change in Status of Old Gold Energy Center, LLC.

*Filed Date:* 1/31/24.

*Accession Number:* 20240131-5590.

*Comment Date:* 5 p.m. ET 2/21/24.

*Docket Numbers:* ER23-2368-001; ER23-2747-001.

*Applicants:* SCEF1 Fuel Cell, LLC, Derby Fuel Cell, LLC.

*Description:* Notice of Non-Material Change in Status of Derby Fuel Cell, LLC, et al.

*Filed Date:* 1/31/24.

*Accession Number:* 20240131-5600.

*Comment Date:* 5 p.m. ET 2/21/24.

*Docket Numbers:* ER23-2407-002.

*Applicants:* Strauss Wind, LLC.

*Description:* Notice of Non-Material Change in Status of Strauss Wind, LLC.

*Filed Date:* 1/31/24.

*Accession Number:* 20240131-5592.

*Comment Date:* 5 p.m. ET 2/21/24.

*Docket Numbers:* ER23-2449-004.

*Applicants:* Lyons Solar, LLC.

*Description:* Compliance filing: Compliance Filing Under Docket Nos. ER23-2449 and EL24-52 to be effective 10/1/2023.

*Filed Date:* 2/1/24.

*Accession Number:* 20240201-5079.

*Comment Date:* 5 p.m. ET 2/22/24.

*Docket Numbers:* ER23-2692-001.

*Applicants:* Madison Fields Solar Project, LLC.

*Description:* Compliance filing: Revised Rate Schedule FERC No. 1 to be effective 12/14/2023.

*Filed Date:* 2/1/24.

*Accession Number:* 20240201-5062.

*Comment Date:* 5 p.m. ET 2/22/24.

*Docket Numbers:* ER23-2915-001; ER10-1899-021; ER10-1852-085; ER10-1951-060; ER11-4462-084; ER13-752-020; ER14-1630-017; ER15-2601-013; ER17-838-058; ER17-1774-011.

*Applicants:* NextEra Energy Bluff Point, LLC, NextEra Energy Marketing, LLC, Green Mountain Storage, LLC, Mantua Creek Solar, LLC, Energy Storage Holdings, LLC, NEPM II, LLC, NextEra Energy Services Massachusetts, LLC, Florida Power & Light Company, FPL Energy Illinois Wind, LLC, Chesapeake Solar Project, LLC.

*Description:* Triennial Market Power Analysis for Southeast Region of Chesapeake Solar Project, LLC, et al.

*Filed Date:* 1/31/24.

*Accession Number:* 20240131-5602.

*Comment Date:* 5 p.m. ET 4/1/24.

*Docket Numbers:* ER24-172-002.

*Applicants:* FirstEnergy Pennsylvania Electric Company.

*Description:* Notice of Non-Material Change in Status of FirstEnergy Pennsylvania Electric Company.

*Filed Date:* 1/31/24.

*Accession Number:* 20240131-5595.

*Comment Date:* 5 p.m. ET 2/21/24.

*Docket Numbers:* ER24-332-001.

*Applicants:* Alabama Power Company, Georgia Power Company, Mississippi Power Company.

*Description:* Tariff Amendment: Alabama Power Company submits tariff filing per 35.17(b): Carters Ford Solar LGIA Deficiency Response to be effective 10/23/2023.

*Filed Date:* 2/1/24.

*Accession Number:* 20240201-5106.

*Comment Date:* 5 p.m. ET 2/22/24.

*Docket Numbers:* ER24-1146-000.

*Applicants:* North Rosamond Solar, LLC.

*Description:* Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.



*Filed Date:* 1/31/24.  
*Accession Number:* 20240131–5405.  
*Comment Date:* 5 p.m. ET 2/21/24.  
*Docket Numbers:* ER24–1147–000.  
*Applicants:* Brookfield Energy Marketing Inc.  
*Description:* Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.  
*Filed Date:* 1/31/24.  
*Accession Number:* 20240131–5414.  
*Comment Date:* 5 p.m. ET 2/21/24.  
*Docket Numbers:* ER24–1148–000.  
*Applicants:* Brookfield Energy Marketing LP.  
*Description:* Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.  
*Filed Date:* 1/31/24.  
*Accession Number:* 20240131–5421.  
*Comment Date:* 5 p.m. ET 2/21/24.  
*Docket Numbers:* ER24–1149–000.  
*Applicants:* Southwest Power Pool, Inc.  
*Description:* 205(d) Rate Filing: 3316R2 Carthage Water and Electric Plant NITSA NOA to be effective 1/1/2024.  
*Filed Date:* 1/31/24.  
*Accession Number:* 20240131–5427.  
*Comment Date:* 5 p.m. ET 2/21/24.  
*Docket Numbers:* ER24–1150–000.  
*Applicants:* Southwest Power Pool, Inc.  
*Description:* 205(d) Rate Filing: Fifth Amended and Restated Western Joint Dispatch Agreements to be effective 4/1/2024.  
*Filed Date:* 1/31/24.  
*Accession Number:* 20240131–5435.  
*Comment Date:* 5 p.m. ET 2/21/24.  
*Docket Numbers:* ER24–1151–000.  
*Applicants:* Aquamarine Lessee, LLC.  
*Description:* 205(d) Rate Filing: Notice of Non-Mat. Changes in Status & MBR Tariff Revisions to be effective 4/1/2024.  
*Filed Date:* 1/31/24.  
*Accession Number:* 20240131–5439.  
*Comment Date:* 5 p.m. ET 2/21/24.  
*Docket Numbers:* ER24–1152–000.  
*Applicants:* Aquamarine Westside, LLC.  
*Description:* 205(d) Rate Filing: Notice of Non-Mat. Changes in Status & MBR Tariff Revisions to be effective 4/1/2024.  
*Filed Date:* 1/31/24.  
*Accession Number:* 20240131–5445.  
*Comment Date:* 5 p.m. ET 2/21/24.  
*Docket Numbers:* ER24–1153–000.  
*Applicants:* Puget Sound Energy, Inc.  
*Description:* Compliance filing: Order No. 902 Compliance Filing, Revisions to Attachment C to be effective 2/1/2024.  
*Filed Date:* 1/31/24.  
*Accession Number:* 20240131–5455.

*Comment Date:* 5 p.m. ET 2/21/24.  
*Docket Numbers:* ER24–1154–000.  
*Applicants:* Brookfield Renewable Energy Marketing US LLC.  
*Description:* Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.  
*Filed Date:* 1/31/24.  
*Accession Number:* 20240131–5456.  
*Comment Date:* 5 p.m. ET 2/21/24.  
*Docket Numbers:* ER24–1155–000.  
*Applicants:* Brookfield Renewable Trading and Marketing LP.  
*Description:* Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.  
*Filed Date:* 1/31/24.  
*Accession Number:* 20240131–5463.  
*Comment Date:* 5 p.m. ET 2/21/24.  
*Docket Numbers:* ER24–1156–000.  
*Applicants:* Florida Power & Light Company.  
*Description:* Compliance filing: FPL OATT Order No. 2023 Compliance Filing to be effective 4/1/2024.  
*Filed Date:* 1/31/24.  
*Accession Number:* 20240131–5471.  
*Comment Date:* 5 p.m. ET 2/21/24.  
*Docket Numbers:* ER24–1158–000.  
*Applicants:* Entergy Arkansas, LLC.  
*Description:* 205(d) Rate Filing: Entergy MSS–4 Decom Update to be effective 4/1/2024.  
*Filed Date:* 1/31/24.  
*Accession Number:* 20240131–5487.  
*Comment Date:* 5 p.m. ET 2/21/24.  
*Docket Numbers:* ER24–1159–000.  
*Applicants:* TransAlta Energy Marketing Corp.  
*Description:* Compliance filing: Notice of Change in Status to be effective 4/1/2024.  
*Filed Date:* 1/31/24.  
*Accession Number:* 20240131–5496.  
*Comment Date:* 5 p.m. ET 2/21/24.  
*Docket Numbers:* ER24–1160–000.  
*Applicants:* TransAlta Energy Marketing (U.S.) Inc.  
*Description:* Compliance filing: Notice of Change in Status to be effective 4/1/2024.  
*Filed Date:* 1/31/24.  
*Accession Number:* 20240131–5500.  
*Comment Date:* 5 p.m. ET 2/21/24.  
*Docket Numbers:* ER24–1161–000.  
*Applicants:* Lakeswind Power Partners, LLC.  
*Description:* Compliance filing: Notice of Change in Status to be effective 4/1/2024.  
*Filed Date:* 1/31/24.  
*Accession Number:* 20240131–5501.  
*Comment Date:* 5 p.m. ET 2/21/24.  
*Docket Numbers:* ER24–1162–000.  
*Applicants:* MATL LLP.  
*Description:* MATL LLP Request for Negotiated Rate Authorization and

Filing of a Post-Selection Open Solicitation Report.  
*Filed Date:* 1/26/24.  
*Accession Number:* 20240126–5239.  
*Comment Date:* 5 p.m. ET 2/16/24.  
*Docket Numbers:* ER24–1163–000.  
*Applicants:* CPV Backbone Solar, LLC.  
*Description:* Baseline eTariff Filing: Application for Market-Based Rate Authority to be effective 4/2/2024.  
*Filed Date:* 2/1/24.  
*Accession Number:* 20240201–5029.  
*Comment Date:* 5 p.m. ET 2/22/24.  
*Docket Numbers:* ER24–1164–000.  
*Applicants:* American Electric Power Service Corporation, PJM Interconnection, L.L.C.  
*Description:* 205(d) Rate Filing: American Electric Power Service Corporation submits tariff filing per 35.13(a)(2)(iii): AEP submits revisions to ILDSA, SA No. 5120 to be effective 4/1/2024.  
*Filed Date:* 2/1/24.  
*Accession Number:* 20240201–5048.  
*Comment Date:* 5 p.m. ET 2/22/24.  
*Docket Numbers:* ER24–1165–000.  
*Applicants:* LifeEnergy, LLC.  
*Description:* Tariff Amendment: Notice of Cancellation of Market-Based Rate Tariff to be effective 2/2/2024.  
*Filed Date:* 2/1/24.  
*Accession Number:* 20240201–5081.  
*Comment Date:* 5 p.m. ET 2/22/24.  
*Docket Numbers:* ER24–1166–000.  
*Applicants:* PJM Interconnection, L.L.C.  
*Description:* 205(d) Rate Filing: Amendment to ISA, SA No. 5619; Queue No. AC1–221/AD1–058 to be effective 4/2/2024.  
*Filed Date:* 2/1/24.  
*Accession Number:* 20240201–5108.  
*Comment Date:* 5 p.m. ET 2/22/24.  
*Docket Numbers:* ER24–1167–000.  
*Applicants:* Southern California Edison Company.  
*Description:* 205(d) Rate Filing: Second Amendment GIA & DSA, Rhodia (WDT891/SA Nos. 472–473) to be effective 2/2/2024.  
*Filed Date:* 2/1/24.  
*Accession Number:* 20240201–5111.  
*Comment Date:* 5 p.m. ET 2/22/24.  
*Docket Numbers:* ER24–1168–000.  
*Applicants:* PJM Interconnection, L.L.C.  
*Description:* Tariff Amendment: Notice of Cancellation of WMPA, SA No. 5734; Queue No. AF2–429 re: withdrawal to be effective 4/2/2024.  
*Filed Date:* 2/1/24.  
*Accession Number:* 20240201–5132.  
*Comment Date:* 5 p.m. ET 2/22/24.  
*Docket Numbers:* ER24–1169–000.  
*Applicants:* PJM Interconnection, L.L.C.

*Description:* Tariff Amendment: Notice of Cancellation of WMPA, SA No. 5731; Queue No. AF2-431 re: withdrawal to be effective 4/2/2024.

*Filed Date:* 2/1/24.

*Accession Number:* 20240201-5138.

*Comment Date:* 5 p.m. ET 2/22/24.

Take notice that the Commission received the following electric reliability filings.

*Docket Numbers:* RD24-3-000.

*Applicants:* North American Electric Reliability Corporation.

*Description:* North American Electric Reliability Corporation submits Petition for Approval of Proposed Reliability Standard CIP-012-2.

*Filed Date:* 1/31/24.

*Accession Number:* 20240131-5609.

*Comment Date:* 5 p.m. ET 3/1/24.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or *OPP@ferc.gov*.

Dated: February 1, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024-02468 Filed 2-6-24; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

#### Filings Instituting Proceedings

*Docket Numbers:* PR24-48-000.

*Applicants:* Wisconsin Power and Light Company

*Description:* 284.123(g) Rate Filing: WPL Statement of Operating Conditions Update 2024 to be effective 2/1/2024.

*Filed Date:* 1/31/24.

*Accession Number:* 20240131-5373.

*Comment Date:* 5 p.m. ET 2/21/24.

*284.123(g) Protest:* 5 p.m. ET 4/1/24.

*Docket Numbers:* PR24-49-000.

*Applicants:* Southern California Gas Company.

*Description:* 284.123(g) Rate Filing: Offshore Delivery Service Rate Revision January 2024 to be effective 1/1/2024.

*Filed Date:* 1/31/24.

*Accession Number:* 20240131-5511.

*Comment Date:* 5 p.m. ET 2/21/24.

*284.123(g) Protest:* 5 p.m. ET 4/1/24.

*Docket Numbers:* RP24-371-000.

*Applicants:* Rockies Express Pipeline LLC.

*Description:* 4(d) Rate Filing: REX 2024-01-31 Negotiated Rate Agreement to be effective 2/1/2024.

*Filed Date:* 1/31/24.

*Accession Number:* 20240131-5485.

*Comment Date:* 5 p.m. ET 2/12/24.

*Docket Numbers:* RP24-372-000.

*Applicants:* BBT Trans-Union Interstate Pipeline, L.P.

*Description:* 4(d) Rate Filing: BBT Trans-Union Revised Tariff filing to be effective 3/1/2024.

*Filed Date:* 2/1/24.

*Accession Number:* 20240201-5041.

*Comment Date:* 5 p.m. ET 2/13/24.

*Docket Numbers:* RP24-373-000.

*Applicants:* Algonquin Gas Transmission, LLC.

*Description:* 4(d) Rate Filing: Negotiated Rates—Various Releases eff 2-1-24 to be effective 2/1/2024.

*Filed Date:* 2/1/24.

*Accession Number:* 20240201-5044.

*Comment Date:* 5 p.m. ET 2/13/24.

*Docket Numbers:* RP24-374-000.

*Applicants:* Carolina Gas Transmission, LLC.

*Description:* 4(d) Rate Filing: CGT—Clarification of Capacity Release Refund Requirements to be effective 3/4/2024.

*Filed Date:* 2/1/24.

*Accession Number:* 20240201-5047.

*Comment Date:* 5 p.m. ET 2/13/24.

*Docket Numbers:* RP24-375-000.

*Applicants:* NEXUS Gas Transmission, LLC.

*Description:* 4(d) Rate Filing: Negotiated Rates—Various Releases eff 2-1-2024 to be effective 2/1/2024.

*Filed Date:* 2/1/24.

*Accession Number:* 20240201-5050.

*Comment Date:* 5 p.m. ET 2/13/24.

*Docket Numbers:* RP24-376-000.

*Applicants:* Maritimes & Northeast Pipeline, L.L.C.

*Description:* 4(d) Rate Filing: Negotiated Rates—Northern to Emera Energy 3053 eff 2-1-24 to be effective 2/1/2024.

*Filed Date:* 2/1/24.

*Accession Number:* 20240201-5051.

*Comment Date:* 5 p.m. ET 2/13/24.

*Docket Numbers:* RP24-377-000.

*Applicants:* Columbia Gas Transmission, LLC.

*Description:* 4(d) Rate Filing: VEP—CGV NR Amendment 255792-1 to be effective 2/1/2024.

*Filed Date:* 2/1/24.

*Accession Number:* 20240201-5076.

*Comment Date:* 5 p.m. ET 2/13/24.

*Docket Numbers:* RP24-378-000.

*Applicants:* Northern Natural Gas Company.

*Description:* 4(d) Rate Filing: 20240201 Annual PRA to be effective 4/1/2024.

*Filed Date:* 2/1/24.

*Accession Number:* 20240201-5083.

*Comment Date:* 5 p.m. ET 2/13/24.

*Docket Numbers:* RP24-379-000.

*Applicants:* Equitrans, L.P.

*Description:* 4(d) Rate Filing: Negotiated Rate Capacity Release Agreements- 2/1/2024 to be effective 2/1/2024.

*Filed Date:* 2/1/24.

*Accession Number:* 20240201-5096.

*Comment Date:* 5 p.m. ET 2/13/24.

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:* RP23-917-003.

*Applicants:* Viking Gas Transmission Company.

*Description:* Compliance filing: Motion to Place Suspended Tariff Record into Effect to be effective 2/1/2024.

*Filed Date:* 1/31/24.

*Accession Number:* 20240131-5209.

*Comment Date:* 5 p.m. ET 2/12/24.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgsearch.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.

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Dated: February 1, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024-02467 Filed 2-6-24; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Western Area Power Administration

#### Loveland Area Projects, Western Area Colorado Missouri Balancing Authority, and Colorado River Storage Project—Rate Order No. WAPA-214

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Notice of proposed extension of transmission and ancillary services formula rates.

**SUMMARY:** The Rocky Mountain Region (RM) of the Western Area Power Administration (WAPA) proposes to extend existing formula rates (without any changes) for the Loveland Area Projects (LAP), the Western Area Colorado Missouri Balancing Authority (WACM), and the Colorado River Storage Project (CRSP) through September 30, 2026. The existing rates RM proposes to extend are: L-NT1 (network), L-FPT1 (firm point-to-

point), L-NFPT1 (non-firm point-to-point), L-NFJDT (joint dispatch transmission), L-UU1 (unreserved use), L-AS1 (scheduling and dispatch), L-AS2 (reactive supply and voltage control (VAR) support), L-AS3 (regulation), L-AS4 (energy imbalance), L-AS5 (spinning reserves), L-AS6 (supplemental reserves), L-AS7 (balancing authority (BA) real power losses), and L-AS9 (generator imbalance). The existing rates expire on September 30, 2024.

**DATES:** A consultation and comment period will begin February 7, 2024, and end March 8, 2024. RM will accept written comments at any time during the consultation and comment period.

**ADDRESSES:** Written comments and requests to be informed of Federal Energy Regulatory Commission (FERC) actions concerning the proposed extension submitted by WAPA to FERC for approval should be sent to: Barton V. Barnhart, Regional Manager, Rocky Mountain Region, Western Area Power Administration, 5555 East Crossroads Boulevard, Loveland, CO 80538-8986, or email: *LAPtransadj@wapa.gov*. RM will post information about the proposed formula rate extension and written comments received to its website at: [www.wapa.gov/2025-transmission-and-ancillary-services-rate-extension](http://www.wapa.gov/2025-transmission-and-ancillary-services-rate-extension).

**FOR FURTHER INFORMATION CONTACT:**

Sheila D. Cook, Rates Manager, Rocky Mountain Region, Western Area Power Administration, 5555 East Crossroads Boulevard, Loveland, CO 80538-8986, (970) 685-9562 or email: *LAPtransadj@wapa.gov*.

**SUPPLEMENTARY INFORMATION:** On March 9, 2017, FERC approved and confirmed LAP transmission and LAP, WACM, and CRSP ancillary services formula rates under Rate Schedules L-NT1, L-FPT1, L-NFPT1, L-UU1, L-AS1, L-AS2, L-AS3, L-AS4, L-AS5, L-AS6, L-AS7, and L-AS9 under Rate Order No. WAPA-174 for a 5-year period through September 30, 2021.<sup>1</sup>

On December 29, 2020, WAPA's Administrator approved rates for short-term sales for RM to use under the Western Energy Imbalance Service (WEIS) Market, which superseded rate schedules L-AS4, L-AS9, and L-AS7 (BA real power losses), for the 8-month period of February 1, 2021, through September 30, 2021.

On March 10, 2022, FERC confirmed and approved Rate Order No. WAPA-196 extending Rate Schedules L-NT1,

L-FPT1, L-NFPT1, L-UU1, L-AS1, L-AS2, L-AS3, L-AS5, and L-AS6 through September 30, 2024, on a final basis.<sup>2</sup>

On March 29, 2022, FERC confirmed and approved Rate Order No. WAPA-197, putting long-term rates in place for RM to use under the WEIS Market under Rate Schedules L-AS4, L-AS9, L-AS7, and L-NFJDT through September 30, 2024, on a final basis.<sup>3</sup>

In accordance with 10 CFR 903.23(a),<sup>4</sup> RM is proposing to extend the existing formula rates under Rate Schedules L-NT1, L-FPT1, L-NFPT1, L-NFJDT, L-UU1, L-AS1, L-AS2, L-AS3, L-AS4, L-AS5, L-AS6, L-AS7, and L-AS9 for the period of October 1, 2024, through September 30, 2026. The existing formula rates are viewable on WAPA's website at: [www.wapa.gov/about-wapa/regions/rm/rm-rates/rate-schedules](http://www.wapa.gov/about-wapa/regions/rm/rm-rates/rate-schedules). The existing formula rates provide sufficient revenue to pay all annual costs, including interest expense, and repay investment within the allowable period consistent with the cost recovery criteria set forth in Department of Energy (DOE) Order RA 6120.2.

On April 28, 2023, WAPA published a **Federal Register** notice titled "Recommendation for Western Area Power Administration's Rocky Mountain Region and Colorado River Storage Project Management Center to Pursue Final Negotiations Regarding Membership in the Southwest Power Pool Regional Transmission Organization and for the Upper Great Plains Region to Expand Its Participation".<sup>5</sup> On September 8, 2023, WAPA's Administrator authorized staff to move forward with the recommendation to pursue final negotiations for membership and expanded participation in the Southwest Power Pool Regional Transmission Organization (SPP RTO). RM and CRSP Management Center's (MC) membership in the SPP RTO would have significant impacts on the above rate methodologies. Extending the existing rates for two years would allow RM and CRSP MC time to evaluate rate methodologies and then conduct major rate adjustment processes to put new rates in place that would become effective upon RM and CRSP MC joining

<sup>2</sup> *Order Confirming and Approving Rate Schedules on a Final Basis*, FERC Docket Nos. EF21-8-000 and EF21-10-000, 178 FERC ¶ 62,147 (2022).

<sup>3</sup> *Order Confirming and Approving Rate Schedules on a Final Basis*, FERC Docket No. EF21-9-000, 178 FERC ¶ 62,177 (2022).

<sup>4</sup> 50 FR 37835 (Sept. 18, 1985) and 84 FR 5347 (Feb. 21, 2019).

<sup>5</sup> 88 FR 26298 (Apr. 28, 2023).

<sup>1</sup> *Order Confirming and Approving Rate Schedules on a Final Basis*, FERC Docket Nos. EF16-5-000 and EF16-5-001, 158 FERC ¶ 62,181 (2017).

the SPP RTO (currently planned on April 1, 2026).

In accordance with 10 CFR 903.23(a), RM has determined that it is not necessary to hold public information or public comment forums for this rate action but is initiating a 30-day consultation and comment period to give the public an opportunity to comment on the proposed extension. RM will review and consider all timely public comments at the conclusion of the consultation and comment period and adjust the proposal as appropriate.

#### Legal Authority

By Delegation Order No. S1–DEL–RATES–2016, effective November 19, 2016, the Secretary of Energy delegated: (1) the authority to develop power and transmission rates to WAPA's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, or to remand or disapprove such rates to FERC. By Delegation Order No. S1–DEL–S3–2023, effective April 10, 2023, the Secretary of Energy also delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Under Secretary for Infrastructure. By Redelegation Order No. S3–DEL–WAPA1–2023, effective April 10, 2023, the Under Secretary for Infrastructure further redelegated the authority to confirm, approve, and place such rates into effect on an interim basis to WAPA's Administrator.

#### Ratemaking Procedure Requirements

##### Environmental Compliance

Categorical exclusion determinations were previously issued for these rates under the following categorical exclusion listed in appendix B to subpart D of 10 CFR part 1021: B4.3 (Electric power marketing rate changes).<sup>6</sup> Those categorical exclusion determinations are also applicable to this rate action. Copies of the categorical exclusion determinations are available on WAPA's website at: [www.wapa.gov/about-wapa/regions/rm/rm-environment/cx2016/and](http://www.wapa.gov/about-wapa/regions/rm/rm-environment/cx2016/and) [www.wapa.gov/about-wapa/regions/rm/rm-environment/2021-cx/](http://www.wapa.gov/about-wapa/regions/rm/rm-environment/2021-cx/). Look for files titled, “2016–077 Proposed Formula Rate Adjustment for Transmission Ancillary Services and Sale of Surplus”

<sup>6</sup> The determination was done in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, 42 U.S.C. 4321–4347, the Council on Environmental Quality Regulations for implementing NEPA (40 CFR parts 1500–1508); and DOE NEPA Implementing Procedures and Guidelines (10 CFR part 1021).

and “2021–088 Rate Change Categorical Exclusion Determination-WAPA–197.08052021.”

#### Determination Under Executive Order 12866

WAPA has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

#### Signing Authority

This document of the Department of Energy was signed on January 26th, 2024, by Tracey A. LeBeau, Administrator, Western Area Power Administration, 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 February 2, 2024.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2024–02462 Filed 2–6–24; 8:45 am]

BILLING CODE 6450–01–P

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL–11700–01–OA]

#### Public Meeting of the Science Advisory Board

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office is announcing a public meeting of the chartered Science Advisory Board. The purpose of the meeting is to: receive a briefing from EPA on the Agency's Scientific Integrity Policy; conduct a quality review of the draft SAB report titled: *Review of the Clean Air Status and Trends Ambient Air Monitoring Network (CASTNet)*; discuss the draft SAB report on the proposed rule titled *New Source Performance Standards: Greenhouse Gas Emissions from New, Modified, and*

*Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule* (RIN 2060–AV09); and discuss recommendations received from the SAB Work Group for Review of Science Supporting EPA Decisions concerning SAB review of EPA planned regulatory actions.

**DATES:** *Public meeting:* The chartered Science Advisory Board will meet on Thursday, February 29, 2024, from 12–5 p.m. eastern time.

*Comments:* See the section titled “Procedures for providing public input” under **SUPPLEMENTARY INFORMATION** for instructions and deadlines.

**ADDRESSES:** The meeting will be conducted virtually. Please refer to the SAB website at <https://sab.epa.gov> for information on how to attend the meeting.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public who wants further information concerning this notice may contact Dr. Thomas Armitage, Designated Federal Officer (DFO), via telephone (202) 564–2155, or email at [armitage.thomas@epa.gov](mailto:armitage.thomas@epa.gov). General information about the SAB, as well as any updates concerning the meeting announced in this notice, can be found on the SAB website at <https://sab.epa.gov>.

#### SUPPLEMENTARY INFORMATION:

*Background:* The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical advice to the EPA Administrator on the scientific and technical basis for agency positions and regulations. The SAB is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S. Code 10. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies. Pursuant to FACA and EPA policy, notice is hereby given that the chartered Science Advisory Board will hold a public meeting to receive a briefing from EPA on the Agency's Scientific Integrity Policy and discuss the following topics. (1) The SAB will conduct a quality review of a draft report developed by an SAB panel. The draft report is titled: *Review of the Clean Air Status and Trends Ambient Air Monitoring Network (CASTNet)*. The SAB quality review process ensures that draft reports developed by SAB panels,

committees, or workgroups are reviewed by the Chartered SAB before being finalized and transmitted to the EPA Administrator. (2) The SAB will discuss a draft report developed by an SAB workgroup on the proposed rule titled *New Source Performance Standards: Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule* (RIN 2060-AV09). (3) The SAB will discuss recommendations received from the SAB Workgroup for Review of Science Supporting EPA Decisions concerning SAB review of EPA planned regulatory actions. Under the SAB's authorizing statute, the SAB "may make available to the Administrator, within the time specified by the Administrator, its advice and comments on the adequacy of the scientific and technical basis" of proposed rules. The SAB Workgroup for Review of Science Supporting EPA Decisions (SAB SSD Workgroup) is charged with identifying EPA planned actions that may warrant SAB review.

*Availability of meeting materials:* All meeting materials, including the agenda, will be available on the SAB web page at <https://sab.epa.gov>.

*Procedures for providing public input:* Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to the EPA. Members of the public can submit relevant comments pertaining to the committee's charge or meeting materials. Input from the public to the SAB will have the most impact if it provides specific scientific or technical information or analysis for the SAB to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comments should follow the instruction below to submit comments.

*Oral statements:* In general, individuals or groups requesting an oral presentation will be limited to three minutes. Each person making an oral statement should consider providing written comments as well as their oral statement so that the points presented orally can be expanded upon in writing. Persons interested in providing oral

statements should contact the DFO, in writing (preferably via email) at the contact information noted under **FOR FURTHER INFORMATION CONTACT**, by February 22, 2024, to be placed on the list of registered speakers.

*Written statements:* Written statements will be accepted throughout the advisory process; however, for timely consideration by SAB members, statements should be submitted to the DFO by February 22, 2024, for consideration at the February 29, 2024, meeting. Written statements should be supplied to the DFO at the contact information above via email. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its websites. Members of the public should be aware that their personal contact information if included in any written comments, may be posted to the SAB website. Copyrighted material will not be posted without the explicit permission of the copyright holder.

*Accessibility:* For information on access or services for individuals with disabilities, please contact the DFO, at the contact information noted above, preferably at least ten days before the meeting, to give the EPA as much time as possible to process your request.

**Thomas H. Brennan,**  
*Director, Science Advisory Board Staff Office.*  
[FR Doc. 2024-02430 Filed 2-6-24; 8:45 am]  
**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-ORD-2020-0701; FRL-11654-01-ORD]

### Integrated Science Assessment for Lead

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of availability.

**SUMMARY:** The Environmental Protection Agency (EPA) is announcing the availability of a final document titled, "Integrated Science Assessment for Lead" (EPA/600/R-23/375). The document was prepared by the Center for Public Health and Environmental Assessment (CPHEA) within EPA's Office of Research and Development (ORD) as part of the review of the primary (health-based) and secondary (welfare-based) lead national ambient air quality standards (NAAQS) and represents an update of the 2013 Integrated Science Assessment (ISA) for Lead (EPA/600/R-10/075F). The final

lead ISA, in conjunction with additional technical and policy assessments, will provide the scientific foundation for EPA's decisions on the adequacy of the current lead NAAQS and, if appropriate, on potential alternative standards.

**DATES:** The document will be available on or about January 31, 2024.

**ADDRESSES:** The "Integrated Science Assessment for Lead" will be available primarily via the internet on EPA's Integrated Science Assessment Lead page at <https://www.epa.gov/isa/integrated-science-assessment-isa-lead> or the public docket at <http://www.regulations.gov>, Docket ID: No. EPA-HQ-ORD-2020-0701; FRL-11654-01-ORD.

**FOR FURTHER INFORMATION CONTACT:** For technical information, contact Evan Coffman (919-541-0567 or [Coffman.Evan@epa.gov](mailto:Coffman.Evan@epa.gov)) or Meredith Lassiter (919-541-3200 or [Lassiter.Meredith@epa.gov](mailto:Lassiter.Meredith@epa.gov)).

### SUPPLEMENTARY INFORMATION:

#### I. Information About the Document

Section 108(a) of the Clean Air Act (the Act) directs the EPA Administrator to identify and list certain air pollutants that "may reasonably be anticipated to endanger public health or welfare" and "the presence of which in the ambient air results from numerous or diverse mobile or stationary sources." The Act further directs the Administrator to issue air quality criteria for these pollutants. The air quality criteria are to "accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of such pollutant in the ambient air . . ." Under section 109 of the Act, EPA is then to establish NAAQS for each pollutant for which the Agency has issued air quality criteria. Section 109(d)(1) requires periodic review and, if appropriate, revision of air quality criteria and the NAAQS to reflect advances in scientific knowledge on the effects of the pollutant on public health or welfare. Information on EPA's process for reviewing the air quality criteria and the NAAQS is available at <https://www.epa.gov/naaqs>.

EPA has established NAAQS for six criteria pollutants. Presently, the EPA is reviewing the air quality criteria and NAAQS for lead. As part of that review, EPA prepared an ISA that reflects the latest scientific knowledge on the public health and welfare effects of lead exposures, per section 108(a) of the Act. The final lead ISA, in conjunction with additional technical and policy assessments, will provide the scientific

foundation for EPA's decisions on the adequacy of the current lead NAAQS and, if appropriate, on potential alternative standards. The Clean Air Scientific Advisory Committee (CASAC), an independent scientific advisory committee with review and advisory functions that are mandated by section 109(d)(2) of the Act, provides independent scientific review of the draft ISA and related draft technical and policy assessments.

On July 7, 2020 (85 FR 40641), EPA formally initiated its current review of the air quality criteria for the health and welfare effects of lead and the primary (health-based) and secondary (welfare-based) NAAQS, requesting the submission of scientific and policy-relevant information on specified topics. This information was incorporated into Volume 2 of EPA's "Integrated Review Plan for the Review of the Lead National Ambient Air Quality Standards (External Review Draft)," which was available for public comment (87 FR 13732, March 10, 2022) and discussed by the CASAC via a publicly accessible teleconference consultation (87 FR 15985, March 21, 2022). Volume 2 of the "Integrated Review Plan for the Review of the Lead National Ambient Air Quality Standards" is focused on planning for the review and the ISA and was posted to the EPA website in March 2022 (<https://www.epa.gov/naaqs/lead-pb-standards-planning-documents-current-review>).

In developing the lead ISA, webinar workshops were held on May 26, June 7, June 22, and June 29, 2022, to discuss initial draft materials with invited EPA and external scientific experts (87 FR 27147, May 6, 2022). The input received during these webinar workshops aided in developing the "Integrated Science Assessment for Lead (External Review Draft)", released on March 31, 2023 (EPA/600/R-23/061, 88 FR 19302), and made available at: <https://cfpub.epa.gov/ncea/isa/recordisplay.cfm?deid=357282>. The CASAC met at a public meeting on June 13 and June 14, 2023 (88 FR 17218, March 22, 2023), to review the draft lead ISA. A public teleconference was then held on August 23 and August 24, 2023, for CASAC to review their draft letter to the Administrator on the draft lead ISA (88 FR 45415, July 17, 2023). Subsequently, on September 18, 2023, the CASAC provided a consensus letter of their review to the EPA Administrator (EPA-CASAC-23-003), available at: [https://casac.epa.gov/ords/sab/r/sab\\_apex/casac/activity?p18\\_id=2637&clear=18&session=363677211680#report](https://casac.epa.gov/ords/sab/r/sab_apex/casac/activity?p18_id=2637&clear=18&session=363677211680#report). The letter from the CASAC, as well as public comments received on

the draft lead ISA, can also be found in the Docket (EPA-HQ-ORD-2020-0701).

The EPA Administrator responded to the CASAC's letter on the draft lead ISA on October 30, 2023, and the letter is available at: [https://casac.epa.gov/ords/sab/r/sab\\_apex/casac/ar?session=8387849145801](https://casac.epa.gov/ords/sab/r/sab_apex/casac/ar?session=8387849145801). EPA has considered comments by the CASAC panel and by the public in preparing this final ISA. More information can be found in Appendix 12, Section 12.7.5, of the final lead ISA (EPA/600/R-23/375).

**Wayne Cascio,**

*Director, Center for Public Health and Environmental Assessment.*

[FR Doc. 2024-02427 Filed 2-6-24; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0422; FR ID 201021]

### Information Collections Being Reviewed by the Federal Communications Commission

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the

PRA that does not display a valid OMB control number.

**DATES:** Written comments should be submitted on or before April 8, 2024. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Cathy Williams, FCC, via email: [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

### SUPPLEMENTARY INFORMATION:

*OMB Control Number:* 3060-0422.

*Title:* Hearing Aid Compatibility; Access to Telecommunications Equipment and Services by Persons with Disabilities; Section 68.5 Waivers, CC Docket No. 87-124 and CG Docket No. 13-46.

*Form Number:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit entities; not-for-profit entities.

*Number of Respondents and Responses:* 331 respondents; 2,512 responses.

*Estimated Time per Response:* 0.25 hour (15 minutes) to 24 hours.

*Frequency of Response:* Annual and on-occasion reporting requirements; Third party disclosure requirement; Recordkeeping requirement.

*Obligation to Respond:* Required to obtain or retain benefits. The statutory authority for this information collection is found at section 710 of the Communications Act of 1934, as amended, 47 U.S.C. 610.

*Total Annual Burden:* 5,930 hours.

*Total Annual Cost:* \$375,000.

*Needs and Uses:* This notice and request for comments pertains to the extension of the currently approved information collection requirements concerning hearing aid compatibility (HAC) for wireline handsets used with the legacy telephone network and with advanced communications services (ACS), such as Voice over internet Protocol (VoIP). The latter are known as ACS telephonic customer premises equipment (ACS telephonic CPE).

Beginning in the 1980s, the Commission adopted a series of regulations to implement statutory directives in section 710(b) of the Communications Act of 1934 requiring wireline telephone handsets in the United States (for use with the legacy telephone network) to be hearing aid compatible. 47 U.S.C. 610. In 2010, the

Twenty-First Century Communications and Video Accessibility Act (CVAA), Public Law 111–260, sec. 102, 710(b), 124 Stat. 2751, 2753 (CVAA) (codified at 47 U.S.C. 610(b)), *amended by* Public Law 111–265, 124 Stat. 2795 (technical corrections to the CVAA), amended section 710(b) of the Communications Act of 1934, to apply the HAC requirements to ACS telephonic CPE, including VoIP telephones. In accordance with this provision, the Commission adopted *Access to Telecommunications Equipment and Services by Persons with Disabilities et al.*, Report and Order and Order on Reconsideration, FCC 17–135, published at 83 FR 8624, February 28, 2018, which amended the HAC rules to cover ACS telephonic CPE to the extent such devices are designed to be held to the ear and provide two-way voice communication via a built-in speaker.

The information collections contain third-party disclosure and labeling requirements. The information is used to inform consumers who purchase or use wireline telephone equipment whether the telephone is hearing aid compatible; to ensure that manufacturers comply with applicable regulations and technical criteria; to ensure that information about ACS telephonic CPE is available in a database administered by the Administrative Council for Terminal Attachments (ACTA) (an organization, previously created pursuant to FCC regulations, whose key function is to maintain a database of telephone equipment); and to facilitate the filing of complaints about the ACS telephonic CPE.

#### Wireline Handsets Used With the Legacy Telephone Network

- 47 CFR 68.224 requires that every non-hearing aid compatible wireline telephone used with the legacy wireline network that is offered for sale to the public contain in a conspicuous location on the surface of its packaging a statement that the telephone is not hearing aid compatible. If the handset is offered for sale without a surrounding

package, then the telephone must be affixed with a written statement that the telephone is not hearing aid compatible. In addition, each handset must be accompanied by instructions in accordance with 47 CFR 62.218(b)(2).

- 47 CFR 68.300 requires that all wireline telephones used with the legacy wireline network that are manufactured in the United States (other than for export) or imported for use in the United States and that are hearing aid compatible have the letters “HAC” permanently affixed.

#### ACS Telephonic CPE

- 47 CFR 68.502(a) of the Commission’s rules contains information collection requirements for ACS telephonic CPE that are similar to the HAC label and notice requirements in 47 CFR 68.224 and 68.300 (discussed above), *i.e.*, the “HAC” labeling requirement for hearing aid compatible equipment, and the package information for non-hearing aid compatible equipment, apply to ACS telephonic CPE.

- 47 CFR 68.501 of the Commission’s rules requires responsible parties to obtain certifications of their equipment by using a third-party Telecommunications Certification Body (TCB) or a Supplier’s Declaration of Conformity. (A responsible party is the party, such as the manufacturer, that is responsible for the compliance of ACS telephonic CPE with the hearing aid compatibility rules and other applicable technical criteria. A Supplier’s Declaration of Conformity is a procedure whereby a responsible party makes measurements or takes steps to ensure that CPE complies with technical standards, which results in a document by the same name.) Section 68.501 of the Commission’s rules applies to ACS telephonic CPE the rule sections defining the roles of TCBs and the uses of Supplier’s Declarations of Conformity for wireline handsets used with the legacy telephone network.

- 47 CFR 68.504 of the Commission’s rules requires information about ACS telephonic CPE to be included in a database administered by ACTA. In

addition, ACS telephonic CPE must be labeled as required by ACTA.

- 47 CFR 68.502(b)–(d) of the Commission’s rules requires responsible parties to: warrant that ACS telephonic CPE complies with applicable regulations and technical criteria; give the user instructions required by ACTA for ACS telephonic CPE that is hearing aid compatible; give the user a notice for ACS telephonic CPE that is not hearing aid compatible; and notify the purchaser or user of ACS telephonic CPE whose approval is revoked, that the purchaser or user must discontinue its use.

- 47 CFR 68.503 of the Commission’s rules requires manufacturers of ACS telephonic CPE to designate an agent for service of process for complaints that may be filed at the FCC.

#### Applications for Waiver of HAC Requirements

- 47 CFR 68.5 requires that telephone manufacturers seeking a waiver of 47 CFR 68.4(a)(1) (requiring that certain telephones be hearing aid compatible) demonstrate that compliance with the rule is technologically infeasible or too costly. Information is used by FCC staff to determine whether to grant or dismiss the request.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2024–02370 Filed 2–6–24; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Termination of Receiverships

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for each of the following insured depository institutions, was charged with the duty of winding up the affairs of the former institutions and liquidating all related assets. The Receiver has fulfilled its obligations and made all dividend distributions required by law.

#### NOTICE OF TERMINATION OF RECEIVERSHIPS

Fund	Receivership name	City	State	Termination date
10013 .....	Silver State Bank .....	Henderson .....	NV	02/01/2024
10032 .....	Ocala National Bank .....	Ocala .....	FL	02/01/2024
10095 .....	Integrity Bank .....	Jupiter .....	FL	02/01/2024
10374 .....	First Chicago Bank & Trust .....	Chicago .....	IL	02/01/2024
10387 .....	Bank of Whitman .....	Colfax .....	WA	02/01/2024
10431 .....	Premier Bank .....	Wilmette .....	IL	02/01/2024
10465 .....	Heritage Bank of Florida .....	Lutz .....	FL	02/01/2024
10478 .....	Banks of Wisconsin .....	Kenosha .....	WI	02/01/2024



NOTICE OF TERMINATION OF RECEIVERSHIPS—Continued

Fund	Receivership name	City	State	Termination date
10481 .....	Sunrise Bank .....	Valdosta .....	GA	02/01/2024

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary, including but not limited to releases, discharges, satisfactions, endorsements, assignments, and deeds. Effective on the termination dates listed above, the Receiverships have been terminated, the Receiver has been discharged, and the Receiverships have ceased to exist as legal entities.

(Authority: 12 U.S.C. 1819)

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on February 2, 2024.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2024–02456 Filed 2–6–24; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064–0099]

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to take this opportunity to comment on the renewal of the existing information collections described below (OMB Control No. 3064–0099).

DATES: Comments must be submitted on or before April 8, 2024.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- Agency Website: <https://www.fdic.gov/resources/regulations/federal-register-publications/>.
- Email: [comments@fdic.gov](mailto:comments@fdic.gov). Include the name and number of the collection in the subject line of the message.
- Mail: Manny Cabeza (202–898–3767), Regulatory Counsel, MB–3128, Federal Deposit Insurance Corporation,

550 17th Street NW, Washington, DC 20429.

• *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street NW building (located on F Street NW), on business days between 7 a.m. and 5 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

Manny Cabeza, Regulatory Counsel, 202–898–3767, [mcabeza@fdic.gov](mailto:mcabeza@fdic.gov), MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collection of information:

1. Title: Application for Waiver of Prohibition on Acceptance of Brokered Deposits

OMB Number: 3064–0099.

Forms: None.

Affected Public: Insured state nonmember banks and state savings associations.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN

[OMB No. 3064–0099]

Information collection (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
1. Application for Waiver of Prohibition on Acceptance of Brokered Deposits, 12 CFR 337.6(c) (Required to Obtain or Retain a Benefit).	Reporting (On Occasion) .....	3	2	06:00	36
2. Notice Submission for Primary Purpose Exception Based on Placement of Less Than 25 Percent of Customer Assets Under Administration—Initial submission 12 CFR 303.243(b)(3)(i)(A) (Required to Obtain or Retain a Benefit).	Reporting (On Occasion) .....	23	1	03:00	69
3. Notice Submission for Primary Purpose Exception Based on Enabling Transactions—Initial submission 12 CFR 303.243(b)(3)(i)(B) (Required to Obtain or Retain a Benefit).	Reporting (on occasion) .....	30	1	05:00	150
4. Application for Primary Purpose Exception Not Based on Business Arrangements that Meets a Designated Exception 12 CFR 303.243(b)(4) (Required to Obtain or Retain a Benefit).	Reporting (On Occasion) .....	5	1	10:00	50

SUMMARY OF ESTIMATED ANNUAL BURDEN—Continued  
[OMB No. 3064–0099]

Information collection (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
5. Notice Submission for Primary Purpose Exception Based on the Placement of Less Than 25 Percent of Customer Assets Under Administration—Ongoing, 12 CFR 303.243(b)(3)(v) (Required to Obtain or Retain a Benefit).	Reporting (Quarterly) .....	23	4	00:30	46
6. Notice Submission for Primary Purpose Exception Based on Enabling Transactions—Ongoing, 12 CFR 303.243(b)(3)(v) (Required to Obtain or Retain a Benefit).	Reporting (Annual) .....	23	1	00:30	12
7. Reporting for Primary Purpose Exception Not Based on the Business Arrangements that meets a Designated Exception—Ongoing, 12 CFR 303.243(b)(4)(vi) (Required to Obtain or Retain a Benefit).	Reporting (Quarterly) .....	2	4	00:15	2
<i>Total Annual Burden (Hours):</i> .....	.....	.....	.....	.....	<b>365</b>

Source: FDIC.

**General Description of Collection:** Section 29 of the Federal Deposit Insurance Act prohibits undercapitalized insured depository institutions from accepting, renewing, or rolling over any brokered deposits. Adequately capitalized institutions may do so with a waiver from the FDIC, while well-capitalized institutions may accept, renew, or roll over brokered deposits without restriction. This information collection captures the burden associated with preparing and filing an application for a waiver of the prohibition on the acceptance of brokered deposits. There is no change in the methodology or substance of this information collection. The reduction in burden is primarily due to the fact that virtually all FDIC-supervised institutions have gone through the implementation burden and face primarily burden related to their ongoing operations.

#### Request for Comment

*Comments are invited on:* (a) Whether the collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.  
Dated at Washington, DC, February 2, 2024.

**James P. Sheesley,**  
*Assistant Executive Secretary.*  
[FR Doc. 2024–02453 Filed 2–6–24; 8:45 am]  
**BILLING CODE 6714–01–P**

#### GENERAL SERVICES ADMINISTRATION

[Notice-PBS–2024–02; Docket No. 2024–0002; Sequence No.3]

#### Notice of Availability of a Draft Environmental Impact Statement for the Alcan Land Port of Entry Expansion and Modernization in Alcan, Alaska

**AGENCY:** Public Buildings Service,  
General Services Administration (GSA).

**ACTION:** Notice of availability;  
announcement of public hearing.

**SUMMARY:** Pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA), GSA has prepared a Draft Environmental Impact Statement (DEIS) to analyze the potential environmental effects of the proposed expansion and modernization of the existing Alcan LPOE. The Alcan LPOE is located at Milepost 1221.8 on the Alaska Highway, 0.43 miles from the U.S./Canada Border. U.S. Customs and Border Protection (CBP) operates this facility year-round in sub-arctic weather conditions. 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 proposes to build an expanded and modernized

LPOE and new housing units at Alcan, Alaska, to replace the existing facilities. The DEIS 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.

#### DATES:

**Public Comment Period—**Interested parties are invited to provide comments on the DEIS. The public comment period begins with the publication of this NOA in the **Federal Register** and will end on April 11, 2024. Comments must be postmarked or received by the last day of the public comment period (see **ADDRESSES** section of this NOA for how to submit comments).

**Hearing Date—**GSA will host a hybrid public hearing for the DEIS on Tuesday, March 12, 2024, starting at 6 p.m. Alaska Daylight Saving Time (AKDT). Interested parties are invited to attend the hearing in person at the Northway Community Center, Main Hall at 183 Circle Drive, Northway, AK 99764 or participate online via the Zoom platform. Refer to the **ADDRESSES** section of this NOA for additional details on the public hearing location and registration.

**ADDRESSES:** The DEIS can be viewed or downloaded from the GSA website at [www.gsa.gov/Alcan](http://www.gsa.gov/Alcan). Comments on the Alcan LPOE DEIS will be accepted until April 11, 2024, and may be submitted by one of the following methods:

- **Mail:** Written comments must be postmarked by April 11, 2024. Address all physical mail to: U.S. General Services Administration, Attention: Aaron Evanson, Capital Project

Manager, 1301 A Street, Suite 610,  
Tacoma, WA 98402

- *Email:* Submit your comments via email to [AlcanLPOE@gsa.gov](mailto:AlcanLPOE@gsa.gov). Include “Alcan DEIS” in the subject line of the message.

- *Public Hearing:* Verbal and written comments will be accepted during the hybrid public hearing on Tuesday, March 12, 2024, starting at 6 p.m. AKDT. The public hearing will begin with a presentation including an overview of the NEPA process and the proposed project as well as the findings of the DEIS. Following the presentation, there will be a moderated session during which members of the public participating either virtually or in person will be able to provide comments verbally or in writing. A link to register to attend the public meeting virtually, via Zoom, is available at [www.gsa.gov/Alcan](http://www.gsa.gov/Alcan). Members of the public may attend the meeting in person at Northway Community Center, Main Hall, 183 Circle Drive, Northway, AK 99764.

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 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, (206) 445–5876, [AlcanLPOE@gsa.gov](mailto:AlcanLPOE@gsa.gov).

**SUPPLEMENTARY INFORMATION:** 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 DEIS. GSA also analyzed a “No Action” alternative, which evaluates the effects that would occur if GSA continued to operate the LPOE under current conditions (*i.e.*, the status quo).

Alternative 1 consists of expanding and modernizing the existing Alcan LPOE. Alternative 1 would include: land acquisition; site preparation and grading; construction of a new Main LPOE Building, enclosed inspection vehicle spaces, new housing units with improved security measures, a firing range, and a helipad; and demolition of the existing LPOE structures. Land acquisition under Alternative 1 would expand the port to include up to 2.5 acres of land south of and across the Alaska Highway from the existing LPOE.

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.

Based on CBP and GSA design standards, the total enclosed building area required for the modernized Alcan LPOE and housing would be 129,145 square feet (sf) with an additional 3,820 sf of booths and canopies and 3,600 sf of outdoor parking and hard surfaces. Alternative 1 would provide dual-purpose inspection lanes to allow for flexibility of inspection operations as well as enclosed spaces for secondary inspection of POVs and commercial vehicles. A modernized Main LPOE Building would also enhance the holding and interview capabilities of the Alcan LPOE to meet current CBP security standards.

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 an estimated 4 additional acres of impervious surfaces.

GSA and CBP are considering an option under Alternative 1 to pursue joint operation of the Alcan LPOE with the Canada Border Services Agency (CBSA). CBSA and CBP officers would jointly operate the facility to conduct inspections of U.S. commercial vehicles and POVs entering Canada; however, no housing would be provided for CBSA officers at Alcan. This option would not affect the design or CBP staffing of the expanded and modernized Alcan LPOE, nor contribute additional environmental impacts under the action alternative, and hence is not analyzed further in the DEIS. 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.

*Classification:* The DEIS 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 DEIS 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 DEIS effort began on January 10, 2023, and accordingly proceeds under the 2020 regulations as modified by the Phase I revisions. In addition, the DEIS 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*  
10PM.

[FR Doc. 2024–02429 Filed 2–6–24; 8:45 am]

**BILLING CODE 6820–DL–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Notice of Award of a Sole Source Cooperative Agreement To Fund Kisumu County Government—Department of Health Services, Serviços Provincial de Saúde Gaza, Serviços Provincial de Saude Nampula, and Senegal Ministry of Health and Social Action (MHA)

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces the award(s) of approximately \$500,000, for Year 1 funding to Kisumu County Government—Department of Health Services, \$8,000,000, for Year 1 funding to Serviços Provincial de Saúde Gaza, \$2,500,000, for Year 1 funding to Serviços Provincial de Saude Nampula and \$800,000 for Year 1 funding to MHA. These awards will achieve and sustain HIV/TB epidemic control through sustainable high-quality

comprehensive HIV prevention and treatment services, health service delivery models, and health systems in Kenya, Mozambique and West Africa-Senegal. Funding amounts for years 2–5 will be set at continuation.

**DATES:** The period for these awards will be September 30, 2024, through September 29, 2029.

**FOR FURTHER INFORMATION CONTACT:** Dr. Appolonia Aoko, Center for Global Health, Centers for Disease Control and Prevention, U.S Embassy, United Nations Avenue, P.O. Box 606, Village Market, 00621, Nairobi, Telephone: 254–710–602–785, Email: [luc7@cdc.gov](mailto:luc7@cdc.gov); Scott Salo, Center for Global Health, Centers for Disease Control and Prevention, Avenida Marginal nr 5467 Sommerschield, Distrito Municipal de KaMpfumo Caixa Postal 783 CEP 0101–11 Maputo, Moçambique, Telephone: 404–553–7439, Email: [evf1@cdc.gov](mailto:evf1@cdc.gov); Raimi Ewetola, Center for Global Health, Centers for Disease Control and Prevention, US Embassy, Ouagadougou, Burkina Faso. Sector 15, Ouaga 2000. Rue 15.873, Telephone: 0022675696420, Email: [hcx6@cdc.gov](mailto:hcx6@cdc.gov).

**SUPPLEMENTARY INFORMATION:** These sole source award(s) will achieve and sustain HIV/TB epidemic control through sustainable high-quality comprehensive HIV prevention and treatment services, health service delivery models, and health systems in Kenya, Mozambique and West Africa-Senegal.

Kisumu County Government-Department of Health Service is in a unique position to conduct this work as the 2010 Kenyan constitution prescribed roles for the county governments, whereby each county is responsible for provision of health care services to its residents. Accordingly, in this devolution of health service delivery to the county level, Kisumu County Department of Health Service has the sole mandate to manage the public health response to HIV/AIDS in the county. Another county government is not allowed to implement services within Kisumu County.

Serviços Provincial de Saúde Gaza is in a unique position to conduct this work given that the Serviços Provincial de Saúde in Mozambique are government organizations established by law and mandated to plan, coordinate, and supervise all health-related activities at the tertiary and secondary level, including HIV/AIDS activities, within their provincial jurisdiction. The Serviços Provincial de Saúde is the Provincial Agency of the State Apparatus, which according to the principles, objectives, and tasks defined by the Government of Mozambique

directs and ensures the execution of health activities at the provincial level.

Serviços Provincial de Saude Nampula is in a unique position to conduct this work as it is the dedicated government entity delegated by Mozambican Government which oversees the health portfolio including HIV and TB services in the province of Nampula. In Mozambique, the governmental public health infrastructure is organized into the central or national entity (Ministry of Health or the Provincial Health Directorates) that implement activities at the primary healthcare level, and the Provincial Health Service (Serviços Provincial de Saude), that lead all health services within the province.

MHSA is in a unique position to conduct this work, as it is responsible for administering government-provided health services and implementing national government policies on health care and public health in Senegal. The MHSA is the only entity authorized by the government of Senegal to provide and manage comprehensive health services within the country in accordance with approved national policies.

#### *Summary of the award:*

**Recipient:** Kisumu County Government-Department of Health Services, Serviços Provincial de Saúde Gaza, Serviços Provincial de Saude Nampula and Senegal Ministry of Health and Social Action (MHSA).

**Purpose of the Award:** The purpose of this award is to achieve and sustain HIV/TB epidemic control through sustainable high-quality comprehensive HIV prevention and treatment services, health service delivery models, and health systems in Kenya, Mozambique and West Africa-Senegal.

**Amount of Award:** For Kisumu County Government-Department of Health Services, the approximate year 1 funding amount will be \$500,000 in Federal Fiscal Year (FYY) 2024 funds, subject to the availability of funds. Funding amounts for years 2–5 will be set at continuation.

**Amount of Award:** For Serviços Provincial de Saúde Gaza, the approximate year 1 funding amount will be \$8,000,000 in Federal Fiscal Year (FYY) 2024 funds, subject to the availability of funds. Funding amounts for years 2–5 will be set at continuation.

**Amount of Award:** For Serviços Provincial de Saude Nampula, the approximate year 1 funding amount will be \$2,500,000 in Federal Fiscal Year (FYY) 2024 funds, subject to the availability of funds. Funding amounts for years 2–5 will be set at continuation.

**Amount of Award:** For MHSA, the approximate year 1 funding amount will be \$800,000 in Federal Fiscal Year (FYY) 2024 funds, subject to the availability of funds. Funding amounts for years 2–5 will be set at continuation.

**Authority:** This program is authorized under Public Law 108–25 (the United States Leadership Against HIV AIDS, Tuberculosis and Malaria Act of 2003) [22 U.S.C. 7601, *et seq.*] and Public Law 110–293 (the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008), and Public Law 113–56 (PEPFAR Stewardship and Oversight Act of 2013).

**Period of Performance:** The period for this award will be September 30, 2024, through September 29, 2029.

Dated: January 24, 2024.

**Jamie Legier,**

*Acting Director, Office of Grants Services, Acting Chief Grants Management Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2024–02504 Filed 2–6–24; 8:45 am]

**BILLING CODE 4163–18–P**

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **Centers for Disease Control and Prevention**

#### **Notice of Award of a Sole Source Cooperative Agreement To Fund International Panel Physicians Association INC (IPPA)**

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces the award of approximately \$100,000, with an expected total funding of approximately \$500,000 over a 5-year period, to International Panel Physicians Association Inc. The award will secure the services of IPPA to facilitate communication and training on the technical instructions that govern the pre-departure health assessment and treatment of U.S.-bound immigrants and refugees.

**DATES:** The period for this award will be September 1, 2024, through August 31, 2029.

**FOR FURTHER INFORMATION CONTACT:** Christie Cornell, Immigrant Refugee Health Branch, Centers for Disease Control and Prevention, 1600 Clifton Rd, Atlanta, GA 30329, Telephone: 470–895–2030, Email: [qrk5@cdc.gov](mailto:qrk5@cdc.gov).

**SUPPLEMENTARY INFORMATION:** The sole source award will allow IPPA to support panel physicians and their staff to perform health assessment and management activities in immigrants and refugees bound for the U.S. IPPA has established a framework and mechanisms to develop and implement training opportunities. IPPA has demonstrated its ability to coordinate and implement education and training to improve the immigrant medical exam.

International Panel Physicians Association Inc is in a unique position to conduct this work, as it is the only qualified non-governmental organization with the technical and administrative capacity to conduct the specific set of activities needed to support the transfer of information to CDC/Division of Global Migration Health regarding overseas health assessment of U.S.-bound refugee populations for T.B. and infectious disease prevention and control activities.

#### Summary of the Award

*Recipient:* International Panel Physicians Association.

*Purpose of the Award:* The purpose of this award is to secure the services of IPPA to facilitate communication and training on the technical instructions that govern the pre-departure health assessment and treatment of U.S.-bound immigrants and refugees.

*Amount of Award:* The approximate year 1 funding amount will be \$100,000 in Federal Fiscal Year (FFY) 2024 funds, with a total estimate of \$500,000 for the 5-year period of performance, subject to availability of funds.

*Authority:* This program is authorized under the Public Health Service Act, Sections 307 and 317(k)(1) [42 U.S.C. 242l and 247b(k)(1)], as amended.

*Period of Performance:* September 1, 2024, through August 31, 2029.

Dated: January 24, 2024.

**Jamie Legier,**

*Acting Director, Office of Grants Services,  
Acting Chief Grants Management Officer,  
Centers for Disease Control and Prevention.*  
[FR Doc. 2024-02503 Filed 2-6-24; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**Notice of Award of a Sole Source Cooperative Agreement To Fund Namibia Ministry of Health and Social Services (MOHSS), Rwanda Biomedical Center, South African Medical Research Council, South African National AIDS Council Trust (SANAC), Tanzania Commission for AIDS (TACAIDS), President's Office—Regional Administration and Local Government (PO-RALG), and Vietnam Administration for HIV/AIDS Control (VAAC)**

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces the award(s) of approximately \$8,000,000 for Year 1 funding to MOHSS, \$4,000,000 for Year 1 funding to Rwanda Biomedical Center, \$3,000,000 for Year 1 funding to South African Medical Research Council, \$3,000,000 for Year 1 funding to SANAC, \$500,000 for Year 1 funding to TACAIDS, \$500,000 for Year 1 funding to PO-RALG, and \$6,000,000 for Year 1 funding to VAAC. The(se) award(s) will strengthen comprehensive and integrated service delivery for prevention, implement strategies and activities that strengthen local entities, support the coordination, management, and monitoring of multi-sectoral implementation, foster the government's capacity to provide comprehensive management of the HIV program, and implement a sustainable and quality-assured HIV diagnostic, testing, and health information management program in Namibia, Rwanda, South Africa, Tanzania, and Vietnam. Funding amounts for years 2–5 will be set at continuation.

**DATES:** The period for these award will be September 30, 2024, through September 29, 2029.

**FOR FURTHER INFORMATION CONTACT:** Benjamin Monroe, Center for Global Health, Centers for Disease Control and Prevention, CDC Namibia, Private Bag 12029, Ausspannplatz, Windhoek, Namibia, Telephone: 404.639.1523, Email: [ihd2@cdc.gov](mailto:ihd2@cdc.gov).

Antyme Kayisabe, Center for Global Health, Centers for Disease Control and Prevention, US Embassy Kigali; 30KG 7

Avenue (Kacyiru); P.O. Box 28 Kigali, Rwanda, Telephone: 788.382.114, Email: [hqg9@cdc.gov](mailto:hqg9@cdc.gov).

Rehmet Fakoodeen, Center for Global Health, Centers for Disease Control and Prevention, 100 Totius Street, Groenkloof, Pretoria, 0181, Telephone: 278.252.43786, Email: [wzv0@cdc.gov](mailto:wzv0@cdc.gov).

Rachael Joseph, Center for Global Health, Centers for Disease Control and Prevention, 100 Totius Street, Groenkloof, Pretoria, 0181, Telephone: 27 822544430, Email: [vie5@cdc.gov](mailto:vie5@cdc.gov).

Angela Schaad, Center for Global Health, Centers for Disease Control and Prevention, 2448 Luthuli Road Dar Es Salaam Tanzania, Telephone: 404.718.3639, Email: [kin7@cdc.gov](mailto:kin7@cdc.gov).

Amy Bailey, Center for Global Health, Centers for Disease Control and Prevention, 5th/Floor Tung Shing Building, No 2, Ngo Quyen Street, Hoan Kiem District Hanoi, Vietnam, Telephone: 011842439352692, Email: [fue8@cdc.gov](mailto:fue8@cdc.gov).

**SUPPLEMENTARY INFORMATION:** The(se) sole source award(s) will maintain HIV and achieve TB epidemic control and strengthen public health systems and security, implement evidence-based decision-making, technical leadership, and coordination of quality HIV prevention and care and treatment (C&T) services, strengthen systems and processes at multiple health system levels, support coordination and implementation of United States Government (USG)-funded public health activities, and ensure the quality of HIV diagnostics and testing, track the quality of services to persons living with HIV (PLHIV) on treatment, and monitor the cascade progression to HIV epidemic control in Namibia, Rwanda, South Africa, Tanzania, and Vietnam.

MOHSS is in a unique position to conduct this work, as it is the sole government entity charged with the operation of Namibia's public healthcare system. It is the only body authorized by law to develop and implement health policies in the public health sector, and to enforce national health laws in the public and private healthcare sectors. As the government ministry with exclusive authority over the healthcare system, it is the only organization in Namibia eligible to receive direct government-to-government support for the HIV/AIDS activities proposed by CDC.

Rwanda Biomedical Center is in a unique position to conduct this work, as it develops policies and regulations for medical laboratories, conducts specialized testing, monitors the performance and operation of other

laboratories in Rwanda, and establishes relations and collaborations with other national and international agencies carrying out similar responsibilities. No other agency in the public or private sector performs this responsibility.

South African Medical Research Council is in a unique position to conduct this work, as it is a government body responsible for biomedical research of national importance and is the only agency with this direct governmental mandate in South Africa.

SANAC is in a unique position to conduct this work, as it is mandated to coordinate a truly multi-sectoral response to the epidemics at a national and sub-national level. Therefore, SANAC is authorized to collaborate with government departments, the private health sector, other development partners, and non-governmental organizations (NGOS) to develop strategies to reach epidemic control.

TACAIDS is in a unique position to conduct this work, as it has sole legal authority to provide strategic multi-sectoral leadership and to coordinate and strengthen efforts of all stakeholders involved in the national HIV/AIDS response. TACAIDS has 16 functions to aid in achieving their mandate.

PO-RALG is in a unique position to conduct this work, as it is legally the only government agency that interprets national policies, strategies, and guidelines related to health and social welfare sector development, financing, and human resources; provides supportive supervision and mentorship to RAs and LGAs; and ensures implementation of policies and regulations by RAs and LGAs. PO-RALG has oversight and management of all dispensaries, health facilities, and regional hospitals, as well as all health care workers.

VAAC is in a unique position to conduct this work, as it uniquely qualified for this funding opportunity because of their political mandate, clearly acknowledged leadership by all partners, and significant experience to continue a strong and vital coordinating role for HIV programs.

#### *Summary of the award:*

*Recipient:* Namibia Ministry of Health and Social Services (MOHSS), Rwanda Biomedical Center, South African Medical Research Council, South African National AIDS Council Trust (SANAC), Tanzania Commission for AIDS (TACAIDS), President's Office—Regional Administration and Local Government (PO-RALG), and Vietnam Administration for HIV/AIDS Control (VAAC).

*Purpose of the Award:* The purpose of these awards is to strengthen

comprehensive and integrated service delivery for prevention and implement strategies and activities that strengthen local entities, support the coordination, management, and monitoring of multi-sectoral implementation, foster the government's capacity to provide comprehensive management of the HIV program, and implement a sustainable and quality-assured HIV diagnostic, testing, and health information management program in Namibia, Rwanda, South Africa, Tanzania, and Vietnam.

*Amount of Award:* For MOHSS, the approximate year 1 funding amount will be \$8,000,000 in Federal Fiscal Year (FFY) 2024 funds, subject to the availability of funds. Funding amounts for years 2–5 will be set at continuation.

*Amount of Award:* For Rwanda Biomedical Center, the approximate year 1 funding amount will be \$4,000,000 in Federal Fiscal Year (FFY) 2024 funds, subject to the availability of funds. Funding amounts for years 2–5 will be set at continuation.

*Amount of Award:* For South African Medical Research Council, the approximate year 1 funding amount will be \$3,000,000 in Federal Fiscal Year (FFY) 2024 funds, subject to the availability of funds. Funding amounts for years 2–5 will be set at continuation.

*Amount of Award:* For SANAC, the approximate year 1 funding amount will be \$3,000,000 in Federal Fiscal Year (FFY) 2024 funds, subject to the availability of funds. Funding amounts for years 2–5 will be set at continuation.

*Amount of Award:* For TACAIDS, the approximate year 1 funding amount will be \$500,000 in Federal Fiscal Year (FFY) 2024 funds, subject to the availability of funds. Funding amounts for years 2–5 will be set at continuation.

*Amount of Award:* For PO-RALG, the approximate year 1 funding amount will be \$500,000 in Federal Fiscal Year (FFY) 2024 funds, subject to the availability of funds.

*Amount of Award:* For VAAC, the approximate year 1 funding amount will be \$6,000,000 in Federal Fiscal Year (FFY) 2024 funds, subject to the availability of funds. Funding amounts for years 2–5 will be set at continuation.

*Authority:* These programs are authorized under Public Law 108–25 (the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003) [22 U.S.C. 7601, *et seq.*] and Public Law 110–293 (the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008), and Public Law 113–56 (PEPFAR Stewardship and Oversight Act of 2013).

*Period of Performance:* The period for these awards will be September 30, 2024, through September 29, 2029.

Dated: January 24, 2024.

**Jamie Legier,**

*Acting Director, Office of Grants Services, Acting Chief Grants Management Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2024–02505 Filed 2–6–24; 8:45 am]

**BILLING CODE 4163–18–P**

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **Centers for Disease Control and Prevention**

#### **Notice of Award of a Sole Source Cooperative Agreement To Fund the Pan-American Health Organization (PAHO)**

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces the award of approximately \$8,000,000, with an expected total funding of approximately \$50,000,000 over a 5-year period, to the Pan-American Health Organization (PAHO). The award will support strengthening immunization systems; ensuring polio free certification status; maintaining measles, rubella, and neonatal tetanus elimination; and prevention of other vaccine-preventable diseases (VPDs) in the Americas region. This award builds upon and continues work previously supported by PAHO through a cooperative agreement under CDC–RFA–GH–1901, “Cooperative Agreement with the Pan American Health Organization: Protecting and Strengthening Immunization Programs in the Americas.”

**DATES:** The period for this award will be May 1, 2024, through April 30, 2029.

**FOR FURTHER INFORMATION CONTACT:** Mary A. Mulholland, (Global Health Center, Centers for Disease Control and Prevention, 1600 Clifton Rd. NE, Atlanta, GA 30333, Telephone: 404–553–7371, Email: [mmulholland@cdc.gov](mailto:mmulholland@cdc.gov)).

**SUPPLEMENTARY INFORMATION:** The sole source award will establish a cooperative agreement that will build upon the achievements of past cooperative agreements with PAHO, while forging new collaborations to strengthen the Expanded Program on Immunization in the Americas as a

whole. Supported activities will include development of standards for national immunization programs, development of national immunization program capacity to prevent, detect and respond to VPDs, and maintain the status of polio eradication; rubella, measles, and neonatal tetanus elimination; and support the elimination of Hepatitis B. To achieve these strategies, the recipient will provide direct technical cooperation to Member States through both its regional headquarters and country offices.

PAHO is in a unique position to conduct this work, as it functions as the lead specialized health agency within the inter-American system and operates as the regional office for the Americas on behalf of the World Health Organization (WHO), the UN's specialized health agency, with headquarters in Washington DC. Through their presence in the 35 member countries in the region, PAHO promotes technical cooperation between countries and works in partnership with ministries of health and other government agencies, civil society organizations, other international agencies, universities, social security agencies, community groups, and other partners. During nearly three decades of partnership with CDC's Global Immunization Division, PAHO has made outstanding progress towards strengthening routine immunization and surveillance systems for polio, measles, rubella, and congenital rubella syndrome; including maintaining the revolving fund for the bulk purchase of vaccines for member countries; developing a strong platform for strengthening surveillance of other VPDs; and maintaining its polio-free certification since 1994, as well as verification of regional rubella and CRS elimination since 2015 and regional measles elimination since 2016.

*Summary of the award:*

*Recipient:* Pan-American Health Organization (PAHO).

*Purpose of the Award:* The purpose of this award is to support strengthening immunization systems; ensuring polio free certification status; maintaining measles, rubella, and neonatal tetanus elimination; and prevention of other VPDs in the Americas region, in alignment with the US Government endorsed Global Polio Eradication Initiative, the Immunization Agenda 2030 and CDC's Global Immunization Strategic Framework 2021–2030. Additionally, this NOFO supports CDC's Global Health Strategy which focuses on protecting and improving the health, safety, security, and well-being of Americans by reducing morbidity and

mortality worldwide; improving capabilities to prepare for and respond to infectious diseases and other emerging health threats and public health emergencies; and maximizing potential of CDC's global programs to achieve public health impact.

*Amount of Award:* \$8,000,000 in Federal fiscal year (FFY) 2024 funds, with a total estimated \$ 50,000,000 for the 5-year period of performance, subject to availability of funds. Funding amounts for years 2–5 will be set at continuation.

*Authority:* This program is authorized under Section 307 of the PHS Act (42 U.S.C 242); section 317(k)(1) and (2) of the PHS Act (42 U.S.C. 247b(k)(1) and (2)).

*Period of Performance:* May 1, 2024, through April 30, 2029.

Dated: January 24, 2024.

**Jamie Legier,**

*Acting Director, Office of Grants Services,  
Acting Chief Grants Management Officer,  
Centers for Disease Control and Prevention.*

[FR Doc. 2024–02507 Filed 2–6–24; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10448]

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the

information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments on the collection(s) of information must be received by the OMB desk officer by March 8, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

**FOR FURTHER INFORMATION CONTACT:**

William Parham at (410) 786–4669.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Essential Health Benefits Benchmark Plans; *Use:* On March 23, 2010, the Patient Protection and Affordable Care Act (PPACA; Pub. L. 111–148) was signed into law, and on March 30, 2010, the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) was signed into law.



The two laws implement various health insurance policies, including the essential health benefits (EHB). Beginning in 2014, all non-grandfathered health plans in the individual and small group market must cover EHB, as defined by the Secretary of Health and Human Services.

In the final rule entitled *HHS Notice of Benefit and Payment Parameters for 2023* (2023 Payment Notice; CMS–9911–F),<sup>2</sup> we repealed the ability for States to permit between category substitution of the EHBs at 45 CFR 156.115. Thus, we revise this Supporting Statement to remove any burden associated with States opting to permit between category substitution of the EHBs and remove the form Essential Health Benefits (EHB) State Substitution Notification (Appendix F) from this collection.

For annual reporting of state mandates, in the final rule entitled *HHS Notice of Benefit and Payment Parameters for 2021* (2021 Payment Notice; CMS–9916–F),<sup>3</sup> we finalized amendments to § 156.111(d) and adding new § 156.111(f) to require states to annually notify HHS in a format and manner specified by HHS, and by a date determined by HHS, of any state-required benefits applicable to QHPs in the individual and/or small group market that are considered to be “in addition to EHB” in accordance with § 155.170(a)(3).

In the final rule entitled *HHS Notice of Benefit and Payment Parameters for 2023* (2023 Payment Notice; CMS–9911–F), we repealed the annual reporting requirement at § 156.111(d) and (f), including revising the section heading to § 156.111 to instead read, “State selection of EHB benchmark plan for PYs beginning on or after January 1, 2020.” Thus, we have revised this Supporting Statement to reflect that States are no longer required to annually notify HHS of any State-required benefits applicable to QHPs in the individual or small group market that are considered to be “in addition to EHB” or any benefits the State has identified as not in addition to EHB and not subject to defrayal. We also remove the forms State Annual Report on State-Required Benefits (Appendix G) and State Certification of Annual Report on State-Required Benefits (Appendix H) from this collection.

This information collection also previously included estimates for the burden on issuers to report their intent to offer SADPs. We no longer collect this information from issuers; we revise this Supporting Statement to remove the burden associated with this report. In this package, we make minimum

required revisions to reflect only the regulatory changes that have occurred since it was last authorized in 2021. No comments were received in response to the 60-day FR Notice (September 27, 2023 (88 FR 66452). *Form Number*: CMS–10448 (OMB control number: 0938–1174); *Frequency*: Annually; *Affected Public*: State, Local, or Tribal Governments; *Number of Respondents*: 10; *Number of Responses*: 10; *Total Annual Hours*: 470. (For questions regarding this collection, contact Ken Buerger at 410–786–1190).

**William N. Parham, III,**

*Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2024–02445 Filed 2–6–24; 8:45 am]

**BILLING CODE 4120–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10711 and CMS–10725]

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS’ intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency’s functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments must be received by April 8, 2024.

**ADDRESSES:** When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for “Comment or Submission” or “More Search Options” to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number: \_\_\_\_\_, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

**FOR FURTHER INFORMATION CONTACT:** William N. Parham at (410) 786–4669.

### SUPPLEMENTARY INFORMATION:

#### Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection’s supporting statement and associated materials (see **ADDRESSES**).

CMS–10711 Prior Authorization Process and Requirements for Certain Hospital Outpatient Department (OPD) Services  
CMS–10725 Pharmacy Benefit Manager Transparency for Qualified Health Plans

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term “collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed

extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

### Information Collection

1. *Type of Information Collection Request:* New collection of information; *Title of Information Collection:* Prior Authorization Process and Requirements for Certain Hospital Outpatient Department (OPD) Services; *Use:* Section 1833(t)(2)(F) of the Act authorizes CMS to develop a method for controlling unnecessary increases in the volume of covered OPD services. CMS believes the increases in volume associated with certain covered OPD services are unnecessary because the data show that the volume of utilization of these OPD service categories far exceeds what would be expected in light of the average rate-of-increase in the number of Medicare beneficiaries. Therefore, CMS is using the authority under section 1833(t)(2)(F) of the Act to require prior authorization for certain covered OPD services as a condition of Medicare payment. The reviews conducted under the program help to reduce unnecessary utilization and payments for these services.

The information required for the prior authorization request includes all documentation necessary to show that the service meets applicable Medicare coverage, coding, and payment rules. Trained clinical reviewers at the Medicare Administrative Contractors (MACs) receive and review the information required for this collection. Review of that documentation is used to determine if the requested services are medically necessary and meet Medicare requirements to help reduce unnecessary increases for these services. *Form Number:* CMS–10711 (OMB Control Number: 0938–1368); *Frequency:* Occasionally; *Affected Public:* Business or other for-profits; *Number of Respondents:* 11,469; *Number of Responses:* 564,010; *Annual Hours:* 316,412. (For policy questions regarding this collection contact Yuliya Cook at [Yuliya.Cook@cms.hhs.gov](mailto:Yuliya.Cook@cms.hhs.gov))

2. *Title of Information Collection:* Pharmacy Benefit Manager Transparency for Qualified Health Plans; *Type of Information Collection Request:* Revision of a currently approved collection; *Use:* Implementation of section 1150A of the Social Security Act, as added by section 6005 of the Patient Protection and Affordable Care Act (ACA), requires, among other entities, Qualified Health Plans (QHPs) and pharmacy benefit

managers (PBMs) that serve QHP issuers to report information on prescription drug benefits to the U.S. Department of Health and Human Services (HHS). PBMs are third-party administrators of prescription programs for a variety of types of health plans, including QHPs. CMS finalized regulations for this reporting at 45 CFR 156.295 and 184.50.

Under these requirements a QHP issuer is required to report issuer and plan level prescription drug data to CMS only when the QHP issuer does not contract with a PBM to administer the prescription drug benefit for their QHPs. Section 1150A(a)(1) of the Social Security Act authorizes CMS to collect the same prescription drug and rebate information from Prescription Drug Plan sponsors of a prescription drug plan and Medicare Advantage organizations offering a Medicare Advantage Prescription Drug Plan under part D of title XVIII. Since 2012, CMS has collected these data from Part D sponsors as part of the Medicare Part D Direct and Indirect Remuneration (DIR) reporting requirement, and detailed drug information for each National Drug Code (NDC) from the Prescription Drug Event (PDE) data that plans are required to submit.

CMS is requesting to renew this collection of information in connection with submission from QHP issuers that do not contract with a PBM and PBMs (hereinafter referred to as “submitters”). The information required from submitters and the process of submission has changed since the previous collection was approved in 2021. The submitters are now required to complete a web form that reports the allocation methodology that is selected by the submitters to allocate data, where necessary. Submitters are required to maintain internal documentation of the allocation methodologies chosen, as CMS may need to follow up with the submitters to better understand the methodology. The burden estimates for the collection of information included in this package reflect the time and effort for submitters to provide prescription drug benefit information to CMS using the Health Information Oversight System (HIOS) module. *Form Number:* CMS–10725 (OMB control number: 0938–1394); *Frequency:* Annually; *Affected Public:* Private Sector, Business or other For-Profits; *Number of Respondents:* 278; *Number of Responses:* 278; *Total Annual Hours:* 1,285. (For questions regarding this

collection, contact LeAnn Brodhead at (301) 492–4493.)

**William N. Parham, III,**

*Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2024–02444 Filed 2–6–24; 8:45 am]

**BILLING CODE 4120–01–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 cooperative agreement 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 Implementation Cooperative Agreement (U01 Clinical Trial Required); NIAID SBIR Phase II Clinical Trial Implementation Cooperative Agreement (U44 Clinical Trial Required); Clinical Trial Planning Grants (R34 Clinical Trials)

*Date:* February 29, 2024.

*Time:* 9:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate cooperative agreement applications.

*Place:* National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane Rockville, MD 20892 (Video Assisted Meeting).

*Contact Person:* Annie Walker-Abbey, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, MSC 9834, Rockville, MD 20852, 240–627–3390, [aabbey@niaid.nih.gov](mailto:aabbey@niaid.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 1, 2024.

**Lauren A. Fleck,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024-02434 Filed 2-6-24; 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 cooperative agreement 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 SBIR Phase II Clinical Trial Implementation Cooperative Agreement (U44 Clinical Trial Required); NIAID Clinical Trial Planning Grants (R34 Clinical Trial Not Allowed); NIAID Clinical Trial Implementation Cooperative Agreement.

*Date:* February 29, 2024.

*Time:* 10:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate cooperative agreement applications.

*Place:* National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E70A, Rockville, MD 20892 (Video Assisted Meeting).

*Contact Person:* Soheyla Saadi, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E70A, Rockville, MD 20852, (240) 669-5178, [saadisoh@niaid.nih.gov](mailto:saadisoh@niaid.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 1, 2024.

**Lauren A. Fleck,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024-02436 Filed 2-6-24; 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; Neural Oxidative Metabolism and Death Study Section.

*Date:* February 28–29, 2024.

*Time:* 8:00 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Crowne Plaza National Airport, 1480 Crystal Drive, Arlington, VA 22202.

*Contact Person:* Christine Jean DiDonato, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1014J, Bethesda, MD 20892, (301) 435-1042, [didonatocj@csr.nih.gov](mailto:didonatocj@csr.nih.gov).

*Name of Committee:* Biobehavioral and Behavioral Processes Integrated Review Group; Biobehavioral Regulation, Learning and Ethology Study Section.

*Date:* February 28–29, 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 (Hybrid Meeting).

*Contact Person:* Sara Louise Hargrave, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 3170, Bethesda, MD 20892, (301) 443-7193, [hargravesl@mail.nih.gov](mailto:hargravesl@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR Panel: Research on Current Topics in Alzheimer's Disease and its Related Dementias.

*Date:* February 28–29, 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:* Bernard Rajeev Srambical Wilfred, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive,

Bethesda, MD 20892, (301) 480-6813, [bernard.srambicalwilfred@nih.gov](mailto:bernard.srambicalwilfred@nih.gov).

*Name of Committee:* Cardiovascular and Respiratory Sciences Integrated Review Group; Integrative Myocardial Physiology/Pathophysiology A Study Section.

*Date:* February 28–29, 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:* Abdelouahab Aitouche, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4222, MSC 7814, Bethesda, MD 20892, 301-435-2365, [aitouchea@csr.nih.gov](mailto:aitouchea@csr.nih.gov).

*Name of Committee:* Infectious Diseases and Immunology B, Integrated Review Group; Transplantation, Tolerance, and Tumor Immunology Study Section.

*Date:* February 28–29, 2024.

*Time:* 10:00 a.m. to 8:00 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:* Carmen Angeles Ufret-Vincenty, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-0912, [carmen.ufret-vincenty@nih.gov](mailto:carmen.ufret-vincenty@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Neurotechnology and Eye Diseases.

*Date:* February 28, 2024.

*Time:* 11:00 a.m. to 6:00 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:* Barbara Susanne Mallon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480-8992, [mallonb@mail.nih.gov](mailto:mallonb@mail.nih.gov).

*Name of Committee:* Biology of Development and Aging Integrated Review Group; Mechanisms of Cancer Therapeutics, C Study Section.

*Date:* February 29–March 1, 2024.

*Time:* 8:00 a.m. to 8:00 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:* Gloria Huei-Ting Su, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-496-0465, [gloria.su@nih.gov](mailto:gloria.su@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Fellowships: Topics in Biophysics and Biochemistry.

*Date:* February 29–March 1, 2024.

*Time:* 8:00 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Hybrid Meeting).

*Contact Person:* Dennis Pantazatos, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-2381, [dennis.pantazatos@nih.gov](mailto:dennis.pantazatos@nih.gov).

*Name of Committee:* Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Cell Signaling and Molecular Endocrinology Study Section.

*Date:* February 29–March 1, 2024.

*Time:* 8:30 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

*Contact Person:* Latha Malaiyandi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 812Q, Bethesda, MD 20892, (301) 435-1999, [malaiyandilm@csr.nih.gov](mailto:malaiyandilm@csr.nih.gov).

*Name of Committee:* Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Molecular and Cellular Neuropharmacology Study Section.

*Date:* February 29–March 1, 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:* Vanessa S Boyce, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 4185, MSC 7850, Bethesda, MD 20892, (301) 402-3726, [boycevs@csr.nih.gov](mailto:boycevs@csr.nih.gov).

*Name of Committee:* Digestive, Kidney and Urological Systems Integrated Review Group; Hepatobiliary Pathophysiology Study Section.

*Date:* February 29–March 1, 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:* Jianxin Hu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2156, Bethesda, MD 20892, 301-827-4417, [jianxinh@csr.nih.gov](mailto:jianxinh@csr.nih.gov).

*Name of Committee:* Digestive, Kidney and Urological Systems Integrated Review Group; Digestive System Host Defense, Microbial Interactions and Immune and Inflammatory Disease Study Section.

*Date:* February 29–March 1, 2024.

*Time:* 9:00 a.m. to 8:00 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:* Aiping Zhao, MD, Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, Bethesda, MD 20892-7818, (301) 435-0682, [zhaoa2@csr.nih.gov](mailto:zhaoa2@csr.nih.gov).

*Name of Committee:* Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Oral, Dental and Craniofacial Sciences Study Section.

*Date:* February 29–March 1, 2024.

*Time:* 9:00 a.m. to 6:30 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:* Yi-Hsin Liu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, (301) 435-1781, [liuyh@csr.nih.gov](mailto:liuyh@csr.nih.gov).

*Name of Committee:* Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurotoxicology and Alcohol Study Section.

*Date:* February 29–March 1, 2024.

*Time:* 9:30 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Hybrid Meeting).

*Contact Person:* Sepandarmaz Aschrafi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040D, Bethesda, MD 20892, (301) 451-4251, [Armaz.aschrafi@nih.gov](mailto:Armaz.aschrafi@nih.gov).

*Name of Committee:* Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Cellular and Molecular Biology of Neurodegeneration Study Section.

*Date:* February 29–March 1, 2024.

*Time:* 9:30 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Hybrid Meeting).

*Contact Person:* Laurent Taupenot, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7850 Bethesda, MD 20892, 301-435-1203, [laurent.taupenot@nih.gov](mailto:laurent.taupenot@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:* February 1, 2024.

**David W. Freeman,**

*Supervisory Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024-02455 Filed 2-6-24; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, Special Topics: Noninvasive Neuromodulation and Neuroimaging Technologies February 23, 2024, 09:00 a.m. to February 23, 2024, 08:00 p.m., Washington Marriott Georgetown, 1221 22nd Street NW, Washington, DC 20037 which was published in the **Federal Register** on February 01, 2024, 89 FR 6531, Doc 2024-01958.

This meeting is being amended to change the location from Washington Marriott, Georgetown 1221 22nd Street NW, Washington, DC 20037 to Embassy Suites Alexandria 1900 Diagonal Road, Alexandria, VA 22314. The meeting is closed to the public.

*Dated:* February 2, 2024.

**Lauren Fleck,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024-02486 Filed 2-6-24; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Prospective Grant of an Exclusive Patent License: Vaccine Augmented Adoptive Cell Therapy for the Treatment of Cancer

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the Patents and Patent Applications listed in the Supplementary Information section of this Notice to Marble Therapeutics, Inc. ("Marble"), headquartered in Boston, MA.

**DATES:** Only written comments and/or applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before February 22, 2024 will be considered.

**ADDRESSES:** Requests for copies of the patent applications, inquiries, and comments relating to the contemplated

Exclusive Patent License should be directed to: Andrew Burke, Ph.D., Senior Technology Transfer Manager, NCI Technology Transfer Center, Telephone: (240)-276-5484; Email: [andy.burke@nih.gov](mailto:andy.burke@nih.gov).

#### SUPPLEMENTARY INFORMATION:

##### Intellectual Property

1. United States Provisional Patent Application No. 63/295,762 filed December 31, 2021, entitled "T Cell Therapy with Vaccination as a Combination Immunotherapy Against Cancer" [HHS Reference No. E-046-2022-0-US-01]; and

2. International Patent Application No. PCT/US2022/082579 filed December 29, 2022, entitled "T Cell Therapy with Vaccination as a Combination Immunotherapy Against Cancer" [HHS Reference No. E-046-2022-0-PCT-02].

The patent rights in these inventions have been assigned and/or exclusively licensed to the government of the United States of America.

The prospective exclusive license territory may be worldwide, and the field of use may be limited to the following:

"Development, manufacture, and commercialization of combination immunotherapies for the treatment of cancer in humans, comprising at least the following elements:

1. An autologous T cell product, where the T cells are tumor infiltrating lymphocytes (TIL) or chimeric antigen receptor-expressing T cells (CAR-T); and
2. A neoantigen cancer vaccine."

The E-046-2022 patent family is primarily directed to a combination immunotherapy comprising a population of antigen-specific immune cells (e.g., T cells) and a vaccine targeting the same antigen(s). In oncology, many investigational adoptive cell therapies rely on antigen-specific T cells isolated from the patient in need of treatment. However, these cells often exist in a terminally differentiated and exhausted state and are unable to mount a robust immune response following reinfusion. Recent evidence suggests that administration of a vaccine in parallel with the T cell product can ameliorate this performance defect when the vaccine targets antigen(s) recognized by the T cells. It is hoped that this two-part approach will enhance treatment efficacy. The exclusive field of use which may be granted to Marble applies to only certain autologous T cell products and vaccination strategies and does not include, for example, at least two broad classes of cell therapies: allogeneic T cell-based products and TCR-engineered

T cell products (TCR-T). Accordingly, the proposed scope of rights which may be conveyed under the license covers a portion of the possible applications of E-046-2022.

This Notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published Notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information from these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: February 2, 2024.

**Richard U. Rodriguez,**

*Associate Director, Technology Transfer Center, National Cancer Institute.*

[FR Doc. 2024-02491 Filed 2-6-24; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

**[245A2100DD/AAKC001030/A0A501010.999900; OMB Control Number 1076-0188]**

#### **Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Appraisals and Valuations of Indian Property**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA) are proposing to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before March 8, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection request (ICR) should be sent within 30 days of publication of this notice to the Office of Information and Regulatory Affairs (OIRA) through [https://www.reginfo.gov/public/do/PRA/ICRPublicCommentRequest?ref\\_nbr=202212-1076-003](https://www.reginfo.gov/public/do/PRA/ICRPublicCommentRequest?ref_nbr=202212-1076-003) or by visiting <https://www.reginfo.gov/public/do/PRAMain> and selecting "Currently under Review—Open for Public Comments" and then scrolling down to the "Department of the Interior."

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Steven Mullen, Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs, U.S. Department of the Interior, 1001 Indian School Road NW, Suite 229, Albuquerque, New Mexico 87104; [comments@bia.gov](mailto:comments@bia.gov); (202) 924-2650. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. You may also view the ICR at <https://www.reginfo.gov/public/Forward?SearchTarget=PRA&textfield=1076-0188>.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on January 5, 2023 (88 FR 879). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

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

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

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Abstract:** Title III of the Indian Trust Asset Reform Act (25 U.S.C. 5601, *et seq.*) requires the Secretary of the Interior to publish minimum qualifications for appraisers of Indian property and allows the Secretary to accept appraisals performed by those appraisers without further review or approval. The Secretary developed a regulation at 43 CFR part 100 to implement these provisions. The regulation requires appraisers to submit certain information so that the Secretary can verify that the appraiser meets the minimum qualifications.

**Title of Collection:** Appraisals and Valuations of Indian Property, 43 CFR part 100.

**OMB Control Number:** 1076–0188.

**Form Number:** None.

**Type of Review:** Extension of a currently approved collection.

**Respondents/Affected Public:** Individual Indians and federally recognized Indian Tribes seeking acquisition of land into trust status.

**Total Estimated Number of Annual Respondents:** 379.

**Total Estimated Number of Annual Responses:** 1,137.

**Estimated Completion Time per Response:** One hour.

**Total Estimated Number of Annual Burden Hours:** 1,137.

**Respondent's Obligation:** Required to Obtain a Benefit.

**Frequency of Collection:** On occasion.

**Total Estimated Annual Nonhour Burden Cost:** \$0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Steven Mullen,**

*Information Collection Clearance Officer,  
Office of Regulatory Affairs and Collaborative  
Action—Indian Affairs.*

[FR Doc. 2024–02511 Filed 2–6–24; 8:45 am]

**BILLING CODE 4337–15–P**

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–489 and 731–TA–1201 (Second Review)]

### Drawn Stainless Steel Sinks From China

#### Determinations

On the basis of the record <sup>1</sup> developed in the subject five-year reviews, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that revocation of the countervailing duty order on drawn stainless steel sinks from China and the antidumping duty order on drawn stainless steel sinks from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

#### Background

The Commission instituted these reviews on July 3, 2023 (88 FR 42688) and determined on October 6, 2023 that it would conduct expedited reviews (88 FR 80762, November 20, 2023).

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on February 1, 2024. The views of the Commission are contained in USITC Publication 5489 (February 2024), entitled *Drawn Stainless Steel Sinks from China: Investigation Nos. 701–TA–489 and 731–TA–1201 (Second Review)*.

By order of the Commission.

Issued: February 2, 2024.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2024–02458 Filed 2–6–24; 8:45 am]

**BILLING CODE 7020–02–P**

<sup>1</sup> The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 701–TA–686 (Final)]

### Brass Rod From India

#### Determination

On the basis of the record <sup>1</sup> developed in the subject investigation, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that an industry in the United States is materially injured by reason of imports of brass rod from India, provided for in subheadings 7407.21.15, 7407.21.30, 7407.21.70, and 7407.21.90 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (“Commerce”) to be subsidized by the government of India.<sup>2 3</sup>

#### Background

The Commission instituted this investigation effective April 27, 2023, following receipt of a petitions filed with the Commission and Commerce by the American Brass Rod Fair Trade Coalition, Washington, District of Columbia; Mueller Brass Co., Port Huron, Michigan; and Wieland Chase LLC, Montpelier, Ohio. The Commission scheduled the final phase of the investigation following notification of a preliminary determination by Commerce that imports of brass rod from India were being subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)). Notice of the scheduling of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of October 5, 2023 (88 FR 69229). The Commission conducted its hearing on December 12, 2023. All persons who requested the opportunity were permitted to participate.

The Commission made this determination pursuant to § 705(b) of the Act (19 U.S.C. 1671d(b)). It completed and filed its determination in this investigation on February 1, 2024. The views of the Commission are contained in USITC Publication 5485 (February 2024), entitled *Brass Rod*

<sup>1</sup> The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

<sup>2</sup> 88 FR 87407 (December 18, 2023).

<sup>3</sup> Chairman David S. Johanson dissenting.

from India: Investigation No. 701-TA-686 (Final).

By order of the Commission.

Issued: February 1, 2024.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2024-02446 Filed 2-6-24; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-679 (Fifth Review)]

### Stainless Steel Bar From India; Scheduling of an Expedited Five-Year Review

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 (“the Act”) to determine whether revocation of the antidumping duty order on stainless steel bar from India would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

**DATES:** December 5, 2023.

#### FOR FURTHER INFORMATION CONTACT:

(Alexis Yim, 202-708-1446), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission’s TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

#### SUPPLEMENTARY INFORMATION:

**Background.**—On December 5, 2023, the Commission determined that the domestic interested party group response to its notice of institution (88 FR 60486, September 1, 2023) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.<sup>1</sup> Accordingly,

the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act (19 U.S.C. 1675(c)(3)).

For further information concerning the conduct of this review and rules of general application, consult the Commission’s Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

**Staff report.**—A staff report containing information concerning the subject matter of the review has been placed in the nonpublic record, and will be made available to persons on the Administrative Protective Order service list for this review on January 25, 2024. A public version will be issued thereafter, pursuant to § 207.62(d)(4) of the Commission’s rules.

**Written submissions.**—As provided in § 207.62(d) of the Commission’s rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,<sup>2</sup> and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before 5:15 p.m. on February 1, 2024 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by February 1, 2024. However, should the Department of Commerce (“Commerce”) extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce’s final results is three business days after the issuance of Commerce’s results. If comments contain business proprietary information (BPI), they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission’s rules. The Commission’s *Handbook on Filing Procedures*, available on the Commission’s website at [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf), elaborates

individual Commissioner’s statements will be available from the Office of the Secretary and at the Commission’s website.

<sup>2</sup> The Commission has found the responses submitted on behalf of Carpenter Technology Corporation; Crucible Industries LLC; Electralloy, a G.O. Carlson, Inc. Co.; Marcegaglia Stainless Richburg, LLC; North American Stainless; Universal Stainless & Alloy Products Inc.; and Valbruna Slater Stainless, Inc. to be individually adequate. Comments from other interested parties will not be accepted (see 19 CFR 207.62(d)(2)).

upon the Commission’s procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Determination.**—The Commission has determined this review is extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

**Authority:** This review is being conducted under authority of title VII of the Act; this notice is published pursuant to § 207.62 of the Commission’s rules.

By order of the Commission.

Issued: January 17, 2024.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2024-02431 Filed 2-6-24; 8:45 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF LABOR

### Bureau of Labor Statistics

#### Information Collection Activities, Comment Request

**AGENCY:** Bureau of Labor Statistics, Department of Labor.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that 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 on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed extension of the Quarterly Census of Employment and Wages Program. A copy of the proposed information collection request can be obtained by contacting the individual listed below in the Addresses section of this notice.

<sup>1</sup> A record of the Commissioners’ votes, the Commission’s statement on adequacy, and any



**DATES:** Written comments must be submitted to the office listed in the Addresses section of this notice on or before April 8, 2024.

**ADDRESSES:** Send comments to Carol Rowan, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room G225, 2 Massachusetts Avenue NE, Washington, DC 20212. Written comments also may be transmitted by email to [BLS\\_PRA\\_Public@bls.gov](mailto:BLS_PRA_Public@bls.gov).

**FOR FURTHER INFORMATION CONTACT:** Carol Rowan, BLS Clearance Officer, 202-691-7628 (this is not a toll free number). (See **ADDRESSES** section.)

#### SUPPLEMENTARY INFORMATION:

### I. Background

The Quarterly Census of Employment and Wages (QCEW) program, a Federal/State cooperative effort, produces monthly employment and quarterly wage information. It is a by-product of quarterly reports submitted to State Workforce Agencies (SWAs) by employers subject to State Unemployment Insurance (UI) laws. The collection of these data is authorized by 29 U.S.C. 1, 2. The QCEW data, which are compiled for each calendar quarter, provide a comprehensive business name and address file with employment and wage information for employers subject to State UI laws. Similar data for Federal Government employers covered by the Unemployment Compensation for Federal Employees program also are included. These data are submitted to the BLS by all 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands. The BLS summarizes these data to produce totals for all counties, Metropolitan Statistical Areas (MSAs), the States, and the nation. The QCEW program provides a virtual census of nonagricultural employees and their wages, with about 55 percent of the workers in agriculture covered as well.

The QCEW program is a comprehensive and accurate source of data on the number of establishments, monthly employment, and quarterly wages, by industry, at the six-digit North American Industry Classification System (NAICS) level, and at the national, State, MSA, and county levels. The QCEW series has broad economic significance in measuring labor trends and major industry developments, in time series analyses and industry comparisons, and in special studies such as analyses of establishments, employment, and wages by size of establishment.

### II. Current Action

Office of Management and Budget clearance is being sought for the QCEW program.

The QCEW program implemented improvements to the methods used to impute data for missing employer reports starting in October 2020. The current method of imputation uses current trends from responding establishments with characteristics similar to the non-respondents. The BLS defines this procedure as the Cell Ratio Method. The ratio of a particular estimation cell is computed as the sum of the current month's reported employment divided by the sum of the previous month's reported employment. To impute this month's employment for a non-respondent, the ratio is then multiplied by the non-respondent's previous month employment. A similar procedure is applied to impute average quarterly wages.

The QCEW program is the only Federal statistical program that provides information on establishments, wages, tax contributions and the number of employees subject to State UI laws and the Unemployment Compensation for the Federal Employees program. The consequences of not collecting QCEW data would be grave to the Federal statistical community. The BLS would not have a sampling frame for its establishment surveys; it would not be able to publish as accurate current estimates of employment for the US, States, and metropolitan areas; and it would not be able to publish quarterly census totals of local establishment counts, employment, and wages. The Bureau of Economic Analysis would not be able to publish as accurate personal income data in a timely manner for the U.S., States, and local areas. Finally, the Department of Labor's Employment Training Administration would not have the information it needs to administer the Unemployment Insurance Program.

### III. Desired Focus of Comments

The Bureau of Labor Statistics 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.

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

*Title of Collection:* Quarterly Census of Employment and Wages Program.

*OMB Number:* 1220-0012.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* State Governments.

*Annual Number of Respondents:* 53.

*Frequency:* Quarterly.

*Total Annual Responses:* 212.

*Average Time per Response:* 3,532 hours.

*Estimated Annual Total Burden*

*Hours:* 748,800 hours.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, January 31, 2024.

**Eric Molina,**

*Chief, Division of Management System,  
Branch of Policy Analysis.*

[FR Doc. 2024-02439 Filed 2-6-24; 8:45 am]

**BILLING CODE 4510-24-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2023-0010]

#### Ballard Marine Construction Bay Park Conveyance Tunnel Project; Grant of Permanent Variance

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA grants a permanent variance to Ballard Marine Construction (Ballard) related to work in compressed air environments.

**DATES:** The permanent variance specified by this notice becomes effective on February 7, 2024 and shall remain in effect until the completion of the Bay Park Conveyance Tunnel Project or until modified or revoked by OSHA.

**FOR FURTHER INFORMATION CONTACT:** Information regarding this notice is available from the following sources:

*Press inquiries:* Contact Mr. Frank Meilinger, Director, OSHA Office of

Communications, U.S. Department of Labor; telephone: (202) 693-1999; email: [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

*General and technical information:* Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693-1911; email: [robinson.kevin@dol.gov](mailto:robinson.kevin@dol.gov).

#### SUPPLEMENTARY INFORMATION:

*Copies of this Federal Register notice.* Electronic copies of this **Federal Register** notice are available at <http://www.regulations.gov>. This **Federal Register** notice, as well as news releases and other relevant information, also are available at OSHA's web page at <http://www.osha.gov>.

#### I. Overview

On March 25, 2022, Ballard Marine Construction (Ballard or the applicant), submitted under Section 6(d) of the Occupational Safety and Health Act of 1970 (the Act), 29 U.S.C. 655, and 29 CFR 1905.11 (variances and other relief under Section 6(d)), three applications for a permanent variance from several provisions of the OSHA standard that regulates work in compressed air, 1926.803 of 1926 Subpart S—Underground Construction, Caissons, Cofferdams, and Compressed Air, and an interim order allowing it to proceed while OSHA considers the request for a permanent variance (OSHA-2023-0010-0002) (OSHA-2023-0010-0003) and (OSHA-2023-0010-0004). This notice addresses Ballard's application for a permanent variance and interim order for construction of the Bay Park Conveyance Tunnel Project in Nassau County, New York only and is not applicable to future Ballard tunneling projects.

This notice addresses Ballard's application for a permanent variance and interim order from the provisions of the standard that: (1) require the use of the decompression values specified in decompression tables in Appendix A of subpart S (29 CFR 1926.803(f)(1)); and (2) require the use of automated operational controls and a special decompression chamber (29 CFR 1926.803(g)(1)(iii) and (xvii), respectively).

OSHA reviewed Ballard's application for the variance and interim order and determined that they were appropriately submitted in compliance with the applicable variance procedures in Section 6(d) of the Occupational Safety and Health Act of 1970 (OSH Act; 29 U.S.C. 655) and OSHA's regulations at 29 CFR 1905.11 (Variances and other

relief under section 6(d)), including the requirement that the applicant inform workers and their representatives of their rights to petition the Assistant Secretary of Labor for Occupational Safety and Health for a hearing on the variance application.

OSHA reviewed the alternative procedures in Ballard's application and preliminarily determined that the applicant's proposed alternatives, on the whole, subject to the conditions in the request and imposed by the interim order, provide measures that are as safe and healthful as those required by the cited OSHA standards. On August 4, 2023, OSHA published a **Federal Register** notice announcing Ballard's application for permanent variance, stating the preliminary determination along with the basis of that determination, and granting the interim order (88 FR 51862). OSHA requested comments on each.

OSHA did not receive any comments or other information disputing the preliminary determination that the alternatives were at least as safe as OSHA's standard, nor any objections to OSHA granting a permanent variance. Accordingly, through this notice OSHA grants a permanent variance, subject to the conditions set out in this document.

#### A. Background

The information that follows about Ballard, its methods, and the Bay Park Conveyance Tunnel Project comes from the Ballard variance application.

Ballard is a contractor for the Bay Park Conveyance Tunnel Project (the project), that works on complex tunnel projects using innovations in tunnel-excavation methods. The applicant's workers engage in the construction of tunnels using advanced shielded mechanical excavation techniques in conjunction with an earth pressure balance tunnel boring machine (TBM). Using shielded mechanical excavation techniques, in conjunction with precast concrete tunnel liners and backfill grout, TBMs provide methods to achieve the face pressures required to maintain a stabilized tunnel face through various geologies and isolate that pressure to the forward section (the working chamber) of the TBM.

Ballard asserts that it bores tunnels using a TBM at levels below the water table through soft soils consisting of clay, silt, and sand. TBMs are capable of maintaining pressure at the tunnel face, and stabilizing existing geological conditions, through the controlled use of a mechanically driven cutter head, bulkheads within the shield, ground-treatment foam, and a screw conveyor that moves excavated material from the

working chamber. The forward-most portion of the TBM is the working chamber, and this chamber is the only pressurized segment of the TBM. Within the shield, the working chamber consists of two sections: the forward working chamber and the staging chamber. The forward working chamber is immediately behind the cutter head and tunnel face. The staging chamber is behind the forward working chamber and between the man-lock door and the entry door to the forward working chamber.

The TBM has twin man-locks located between the pressurized working chamber and the non-pressurized portion of the machine. Each man-lock has two compartments. This configuration allows workers to access the man-locks for compression and decompression, and medical personnel to access the man-locks if required in an emergency.

Ballard's Hyperbaric Operations Manual (HOM) for the Bay Park Conveyance Tunnel Project indicates that the maximum pressure to which it is likely to expose workers during project interventions for the three tunnel drives is 29 pounds per square inch gauge (p.s.i.g.). The applicant will pressurize the working chamber to the level required to maintain a stable tunnel face, which for this project Ballard estimates will be up to a pressure not exceeding 29 p.s.i.g., which does not exceed the maximum pressure specified by the OSHA standard at 29 CFR 1926.803(e)(5).<sup>1</sup> Ballard is not seeking a variance from this provision of the compressed-air standard.

Ballard employs specially trained personnel for the construction of the tunnel. To keep the machinery working effectively, Ballard asserts that these workers must periodically enter the excavation working chamber of the TBM to perform hyperbaric interventions during which workers would be exposed to air pressures up to 29 p.s.i.g., which does not exceed the maximum pressure specified by the existing OSHA standard at 29 CFR 1926.803(e)(5). These interventions consist of conducting inspections or maintenance work on the cutter-head structure and cutting tools of the TBM, such as changing replaceable cutting tools and disposable wear bars, and, in rare cases, repairing structural damage to the cutter head. These interventions are the only

<sup>1</sup> The decompression tables in Appendix A of subpart S express the working pressures as pounds per square inch gauge (p.s.i.g.). Therefore, throughout this notice, OSHA expresses the p.s.i.g. value specified by 29 CFR 1926.803(e)(5) as p.s.i.g., consistent with the terminology in Appendix A, Table 1 of subpart S.

time that workers are exposed to compressed air. Interventions in the excavation working chamber (the pressurized portion of the TBM) take place only after halting tunnel excavation and preparing the machine and crew for an intervention.

During interventions, workers enter the working chamber through one of the twin man-locks that open into the staging chamber. To reach the forward part of the working chamber, workers pass through a door in a bulkhead that separates the staging chamber from the forward working chamber. The man-locks and the working chamber are designed to accommodate three people, which is the maximum crew size allowed under the permanent variance. When the required decompression times are greater than work times, the twin man-locks allow for crew rotation. During crew rotation, one crew can be compressing or decompressing while the second crew is working. Therefore, the working crew always has an unoccupied man-lock at its disposal.

Ballard asserts that these innovations in tunnel excavation have greatly reduced worker exposure to hazards of pressurized air work because they have eliminated the need to pressurize the entire tunnel for the project and thereby reduce the number of workers exposed, as well as the total duration of exposure, to hyperbaric pressure during tunnel construction. These advances in technology have substantially modified the methods used by the construction industry to excavate subaqueous tunnels compared to the caisson work regulated by the current OSHA compressed-air standard for construction at 29 CFR 1926.803.

In addition to the reduced exposures resulting from the innovations in tunnel-excavation methods, Ballard asserts that innovations in hyperbaric medicine and technology improve the safety of decompression from hyperbaric exposures. These procedures, however, deviate from the decompression process that OSHA requires for construction in 29 CFR 1926.803(f)(1) and the decompression tables in Appendix A of 29 CFR 1926, subpart S. Nevertheless, according to Ballard, their use of decompression protocols incorporating oxygen is more efficient, effective, and safer for tunnel workers than compliance with the decompression tables specified by the existing OSHA standard.

Ballard contends that the alternative safety measures included in the application provide Ballard's workers with a place of employment that is at least as safe as they would be under OSHA's compressed-air standard for

construction. Ballard also provided OSHA a project-specific HOM (OSHA–2023–0010–0005) for the Bay Park Conveyance Tunnel Project that requires specialized medical support and hyperbaric supervision to provide assistance to a team of specially trained man-lock attendants and hyperbaric or compressed-air workers to support their assertions of equivalency in worker protection.

OSHA included all of the above information in the **Federal Register** notice announcing Ballard's variance application and did not receive any comments disputing any of that information, including the safety assertions made by Ballard in the variance application.

## II. The Variance Application

Pursuant to the requirements of OSHA's variance regulations (29 CFR 1905.11), the applicant has certified that it notified its affected workers<sup>2</sup> of the variance application and request for interim order by posting, at prominent locations where it normally posts workplace notices, a summary of the application and information specifying where the workers can examine a copy of the application. In addition, the applicant has certified that it informed its workers of their right to petition the Assistant Secretary of Labor for Occupational Safety and Health for a hearing on the variance application.

## III. OSHA History of Approval of Nearly Identical Variance Requests

OSHA has previously approved several nearly identical variances involving the same types of tunneling equipment used for similar projects (tunnel construction variances). OSHA notes that it granted several subaqueous tunnel construction permanent variances from the same provisions of OSHA's compressed-air standard (29 CFR 1926.803(e)(5), (f)(1), (g)(1)(iii), and (g)(1)(xvii)) that are the subject of the present application: (1) Traylor JV for the completion of the Blue Plains Tunnel in Washington, DC (80 FR 16440 (March 27, 2015)); (2) Impregilo, Healy, Parsons, Joint Venture (IHP JV) for the completion of the Anacostia River Tunnel in Washington, DC (80 FR 50652 (August 20, 2015)); (3) Tully/OHL USA Joint Venture for the completion of the New York Economic Development Corporation's New York Siphon Tunnel project (79 FR 29809 (May 23, 2014)); (4) Salini-Impregilo/Healy Joint Venture for the completion of the Northeast Boundary Tunnel in Washington, DC

(85 FR 27767, (May 11, 2020)); (5) McNally/Kiewit SST Joint Venture for the completion of the Shoreline Storage Tunnel Project in Cleveland, Ohio (88 FR 15080, March 10, 2023); and (6) Traylor-Shea Joint Venture for the completion of the Alexandria River Renew Tunnel Project in Alexandria Virginia and Washington DC (88 FR 15080, March 10, 2023). The proposed alternate conditions in this notice are nearly identical to the alternate conditions of the previous permanent variances.<sup>3</sup> OSHA is not aware of any injuries or other safety issues that arose from work performed under these conditions in accordance with the previous variances.

## IV. Applicable OSHA Standard and the Relevant Variance

### A. Variance From Paragraph (f)(1) of 29 CFR 1926.803, Requirement To Use OSHA Decompression Tables

OSHA's compressed-air standard for construction requires decompression in accordance with the decompression tables in Appendix A of 29 CFR 1926, subpart S (see 29 CFR 1926.803(f)(1)). As an alternative to the OSHA decompression tables, the applicant proposes to use newer decompression schedules (the 1992 French Decompression Tables) that rely on staged decompression and supplement breathing air used during decompression with air or oxygen (as appropriate).<sup>4</sup> The applicant asserts decompression protocols using the 1992 French Decompression Tables for air or oxygen as specified by the Integrated Pipeline Tunnel Project-specific HOM are safer for tunnel workers than the decompression protocols specified in Appendix A of 29 CFR 1926 Subpart S. Accordingly, the applicant commits to following the decompression procedures described in that HOM, which requires Ballard to follow the 1992 French Decompression Tables to decompress compressed air workers

<sup>3</sup> The previous tunnel construction variances allowed further deviation from OSHA standards by permitting employee exposures above 50 p.s.i., based on the composition of the soil and the amount of water that will be above the tunnel for various sections of this project. The current permanent variance includes substantively the same safeguards as the variances that OSHA granted previously even though employees will not be exposed to pressures higher than 29 p.s.i.g.

<sup>4</sup> In 1992, the French Ministry of Labour replaced the 1974 French Decompression Tables with the 1992 French Decompression Tables, which differ from OSHA's decompression tables in Appendix A by using: (1) staged decompression as opposed to continuous (linear) decompression; (2) decompression tables based on air or both air and pure oxygen; and (3) emergency tables when unexpected exposure times occur (up to 30 minutes above the maximum allowed working time).

<sup>2</sup> See the definition of "Affected employee or worker" in section VII.C of this Notice.

(CAWs) after they exit the hyperbaric conditions in the working chamber.

Depending on the maximum working pressure and exposure times, the 1992 French Decompression Tables provide for air decompression with or without oxygen. Ballard asserts that oxygen decompression has many benefits, including (1) keeping the partial pressure of nitrogen in the lungs as low as possible; (2) keeping external pressure as low as possible to reduce the formation of gas bubbles in the blood; (3) removing nitrogen from the lungs and arterial blood and increasing the rate of nitrogen elimination; (4) improving the quality of breathing during decompression stops so that workers are less tired and to prevent bone necrosis; (5) reducing decompression time by approximately 33 percent as compared to air decompression; and (6) reducing inflammation.

In addition, the project-specific HOM requires a physician, certified in hyperbaric medicine, to manage the medical condition of CAWs during hyperbaric exposures and decompression. A trained and experienced man-lock attendant is also required to be present during hyperbaric exposures and decompression. This man-lock attendant is to operate the hyperbaric system to ensure compliance with the specified decompression table. A hyperbaric supervisor, who is trained in hyperbaric operations, procedures, and safety, directly oversees all hyperbaric interventions, and ensures that staff follow the procedures delineated in the HOM or by the attending physician.

#### *B. Variance From Paragraph (g)(1)(iii) of 29 CFR 1926.803, Automatically Regulated Continuous Decompression*

Ballard seeks a permanent variance from the OSHA standard at 29 CFR 1926.803(g)(1)(iii), which requires automatic controls to regulate decompression. As noted above, the applicant is conducting the staged decompression according to the 1992 French Decompression Tables under the direct control of the trained man-lock attendant and under the oversight of the hyperbaric supervisor.

Breathing air under hyperbaric conditions increases the amount of nitrogen gas dissolved in a CAW's tissues. The greater the hyperbaric pressure under these conditions and the more time spent under the increased pressure, the greater the amount of nitrogen gas is dissolved in the tissues. When the pressure decreases during decompression, tissues release the dissolved nitrogen gas into the blood

system, which then carries the nitrogen gas to the lungs for elimination through exhalation. Releasing hyperbaric pressure too rapidly during decompression can increase the size of the bubbles formed by nitrogen gas in the blood system, resulting in decompression illness (DCI), commonly referred to as "the bends." This description of the etiology of DCI is consistent with current scientific theory and research on the issue.

The 1992 French Decompression Tables, proposed for use by the applicant, provide for stops during worker decompression (*i.e.*, staged decompression) to control the release of nitrogen gas from tissues into the blood system. Studies show that staged decompression, in combination with other features of the 1992 French Decompression Tables such as the use of oxygen, result in a lower incidence of DCI than the use of automatically regulated continuous decompression.<sup>5</sup> In addition, the applicant asserts that staged decompression administered in accordance with its HOM is at least as effective as an automatic controller in regulating the decompression process because the HOM requires a hyperbaric supervisor who directly supervises all hyperbaric interventions and ensures that the man-lock attendant, who is a competent person in the manual control of hyperbaric systems, follows the schedule specified in the decompression tables, including stops.

<sup>5</sup> See, *e.g.*, Dr. Eric Kindwall, EP (1997), Compressed air tunneling and caisson work decompression procedures: development, problems, and solutions. *Undersea and Hyperbaric Medicine*, 24(4), pp. 337–345. This article reported 60 treated cases of DCI among 4,168 exposures between 19 and 31 p.s.i.g. over a 51-week contract period, for a DCI incidence of 1.44% for the decompression tables specified by the OSHA standard. Dr. Kindwall notes that the use of automatically regulated continuous decompression in the Washington State safety standards for compressed-air work (from which OSHA derived its decompression tables) was at the insistence of contractors and the union, and against the advice of the expert who calculated the decompression table and recommended using staged decompression. Dr. Kindwall then states, "Continuous decompression is inefficient and wasteful. For example, if the last stage from 4 p.s.i.g. . . . to the surface took 1h, at least half the time is spent at pressures less than 2 p.s.i.g. . . . , which provides less and less meaningful bubble suppression . . . ." In addition, Dr. Kindwall addresses the continuous-decompression protocol in the OSHA compressed-air standard for construction, noting that "[a]side from the tables for saturation diving to deep depths, no other widely used or officially approved diving decompression tables use straight line, continuous decompressions at varying rates. Stage decompression is usually the rule, since it is simpler to control."

#### *C. Variance From Paragraph (g)(1)(xvii) of 29 CFR 1926.803, Requirement of Special Decompression Chamber*

The OSHA compressed-air standard for construction requires employers to use a special decompression chamber of sufficient size to accommodate all CAWs being decompressed at the end of the shift when total decompression time exceeds 75 minutes (see 29 CFR 1926.803(g)(1)(xvii)). Use of the special decompression chamber enables CAWs to move about and flex their joints to prevent neuromuscular problems during decompression.

Space limitations in the TBM do not allow for the installation and use of an additional special decompression lock or chamber. The applicant proposes that it be permitted to rely on the man-locks and staging chamber in lieu of adding a separate, special decompression chamber. Because only a few workers out of the entire crew are exposed to hyperbaric pressure, the man-locks (which, as noted earlier, connect directly to the working chamber) and the staging chamber are of sufficient size to accommodate all of the exposed workers during decompression. The applicant uses the existing man-locks, each of which adequately accommodates a three-member crew for this purpose when decompression lasts up to 75 minutes. When decompression exceeds 75 minutes, crews can open the door connecting the two compartments in each man-lock (during decompression stops) or exit the man-lock and move into the staging chamber where additional space is available. The applicant asserts that this alternative arrangement is as effective as a special decompression chamber in that it has sufficient space for all the CAWs at the end of a shift and enables the CAWs to move about and flex their joints to prevent neuromuscular problems.

#### **V. Decision**

After reviewing the proposed alternatives, OSHA has determined that the applicant's proposed alternatives, on the whole, subject to the conditions in the request and imposed by this permanent variance, provide measures that are as safe and healthful as those required by the cited OSHA standards addressed in section IV of this notice.

In addition, OSHA has determined that each of the following alternatives are at least as effective as the specified OSHA requirements:

##### *A. 29 CFR 1926.803(f)(1)*

The applicant has proposed to implement equally effective alternative measures to the requirement in 29 CFR

1926.803(f)(1) for compliance with OSHA's decompression tables. The HOM specifies the procedures and personnel qualifications for performing work safely during the compression and decompression phases of interventions. The HOM also specifies the decompression tables the applicant proposes to use (the 1992 French Decompression Tables). Depending on the maximum working pressure and exposure times during the interventions, the tables provide for decompression using air, pure oxygen, or a combination of air and oxygen. The decompression tables also include delays or stops for various time intervals at different pressure levels during the transition to atmospheric pressure (*i.e.*, staged decompression). In all cases, a physician certified in hyperbaric medicine will manage the medical condition of CAWs during decompression. In addition, a trained and experienced man-lock attendant, experienced in recognizing decompression sickness or illnesses and injuries, will be present. Of key importance, a hyperbaric supervisor, trained in hyperbaric operations, procedures, and safety, will directly supervise all hyperbaric operations to ensure compliance with the procedures delineated in the project-specific HOM or by the attending physician.

Prior to granting the six previous permanent variances to IHP JV, Traylor JV, Tully JV, Salini-Impregilo Joint Venture, Ballard, and Traylor TSJV, OSHA conducted a review of the scientific literature and concluded that the alternative decompression method (*i.e.*, the 1992 French Decompression Tables) Ballard proposed would be at least as safe as the decompression tables specified by OSHA when applied by trained medical personnel under the conditions imposed by the permanent variance.

Some of the literature indicates that the alternative decompression method may be safer, concluding that decompression performed in accordance with these tables resulted in a lower occurrence of DCI than decompression conducted in accordance with the decompression tables specified by the standard. For example, H. L. Anderson studied the occurrence of DCI at maximum hyperbaric pressures ranging from 4 p.s.i.g. to 43 p.s.i.g. during construction of the Great Belt Tunnel in Denmark (1992–1996).<sup>6</sup> This project used the 1992 French Decompression

Tables to decompress the workers during part of the construction. Anderson observed 6 DCI cases out of 7,220 decompression events and reported that switching to the 1992 French Decompression tables reduced the DCI incidence to 0.08% compared to a previous incidence rate of 0.14%. The DCI incidence in the study by H. L. Anderson is substantially less than the DCI incidence reported for the decompression tables specified in Appendix A.

OSHA found no studies in which the DCI incidence reported for the 1992 French Decompression Tables were higher than the DCI incidence reported for the OSHA decompression tables.<sup>7</sup>

OSHA's experience with the previous six variances, which all incorporated nearly identical decompression plans and did not result in safety issues, also provides evidence that the alternative procedure as a whole is at least as effective for this type of tunneling project as compliance with OSHA's decompression tables. The experience of State Plans<sup>8</sup> that either granted variances (Nevada, Oregon and Washington)<sup>9</sup> for hyperbaric exposures occurring during similar subaqueous tunnel-construction work, provide additional evidence of the effectiveness of this alternative procedure.

#### B. 29 CFR 1926.803(g)(1)(iii)

The applicant developed, and proposed to implement, an equally effective alternative to 29 CFR 1926.803(g)(1)(iii), which requires the use of automatic controllers that continuously decrease pressure to achieve decompression in accordance with the tables specified by the standard. The applicant's alternative includes using the 1992 French Decompression Tables for guiding staged decompression to achieve lower occurrences of DCI, using a trained and competent attendant for implementing

appropriate hyperbaric entry and exit procedures, and providing a competent hyperbaric supervisor and attending physician certified in hyperbaric medicine to oversee all hyperbaric operations.

In reaching this conclusion, OSHA again notes the experience of previous nearly identical tunneling variances, the experiences of State Plan States, and a review of the literature and other information noted earlier.

#### C. 29 CFR 1926.803(g)(1)(xvii)

The applicant developed, and proposed to implement, an effective alternative to the use of the special decompression chamber required by 29 CFR 1926.803(g)(1)(xvii). The TBM's man-lock and working chamber appear to satisfy all of the conditions of the special decompression chamber, including that they provide sufficient space for the maximum crew of three CAWs to stand up and move around, and safely accommodate decompression times up to 360 minutes. Therefore, again noting OSHA's previous experience with nearly identical variances including the same alternative, OSHA preliminarily determined that the TBM's man-lock and working chamber function as effectively as the special decompression chamber required by the standard.

Based on a review of available evidence, the experience of State Plans that either granted variances (Nevada, Oregon, and Washington)<sup>10</sup> for hyperbaric exposures occurring during similar subaqueous tunnel-construction work, and the information provided in the applicant's variance application, OSHA is granting the permanent variance.

Pursuant to Section 6(d) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(d)), and based on the record discussed above, the agency finds that when Ballard complies with the conditions of the following order, the working conditions of the workers are at least as safe and healthful as if it complied with the working conditions specified by paragraphs (f)(1), (g)(1)(iii), and (g)(1)(xvii) of 29 CFR 1926.803. Therefore, Ballard must: (1) comply with the conditions listed below under "Conditions Specified for the Permanent Variance" for the period between the date of this notice and completion of the Bay Park Conveyance Tunnel Project; (2) comply fully with all other applicable provisions of 29 CFR

<sup>7</sup> Le Péchon JC, Barre P, Baud JP, Ollivier F (September 1996). Compressed air work—French Tables 1992—operational results. *JCLP Hyperbarie Paris, Centre Medical Subaquatique Interentreprise, Marseille: Communication a l'EUBS*, pp. 1–5 (see Ex. OSHA–2012–0036–0005).

<sup>8</sup> Under Section 18 of the OSH Act, Congress expressly provides that States and U.S. territories may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards. OSHA refers to such States and territories as "State Plan States" Occupational safety and health standards developed by State Plan States must be at least as effective in providing safe and healthful employment and places of employment as the Federal standards (29 U.S.C. 667).

<sup>9</sup> These state variances are available in the docket for the 2015 Traylor JV variance: Exs. OSHA–2012–0035–0006 (Nevada), OSHA–2012–0035–0005 (Oregon), and OSHA–2012–0035–0004 (Washington).

<sup>6</sup> Anderson HL (2002). Decompression sickness during construction of the Great Belt tunnel, Denmark. *Undersea and Hyperbaric Medicine*, 29(3), pp. 172–188.

<sup>10</sup> These state variances are available in the docket: Exs. OSHA–2012–0035–0006 (Nevada), OSHA–2012–0035–0007 (Oregon), and OSHA–2012–0035–0008 (Washington).

part 1926; and (3) provide a copy of this **Federal Register** notice to all employees affected by the conditions, including the affected employees of other employers, using the same means it used to inform these employees of the application for a permanent variance. Additionally, this order will remain in effect until one of the following conditions occurs: (1) completion of the Bay Park Conveyance Tunnel Project; or (2) OSHA modifies or revokes this final order in accordance with 29 CFR 1905.13.

#### **VI. Description of the Specified Conditions for the Permanent Variance**

The conditions for the variance are set out in the Order at the end of this document. This section provides additional detail regarding the conditions in the Order.

##### *Condition A: Scope*

The scope of the permanent variance limits coverage to the work situations specified. Clearly defining the scope of the permanent variance provides Ballard, Ballard's employees, potential future applicants, other stakeholders, the public, and OSHA with necessary information regarding the work situations in which the permanent variance applies. To the extent that Ballard exceeds the defined scope of this variance, it will be required to comply with OSHA's standards. This permanent variance applies only to the applicant, Ballard, and only to the remainder of construction work on the Bay Park Conveyance Tunnel Project.

##### *Condition B: List of Abbreviations*

Condition B defines abbreviations used in the permanent variance. OSHA believes that defining these abbreviations serves to clarify and standardize their usage, thereby enhancing the applicant's and its employees' understanding of the conditions specified by the permanent variance.

##### *Condition C: Definitions*

The condition defines a series of terms, mostly technical terms, used in the permanent variance to standardize and clarify their meaning. OSHA believes that defining these terms serves to enhance the applicant's and its employees' understanding of the conditions specified by the permanent variance.

##### *Condition D: Safety and Health Practices*

This condition requires the applicant to develop and submit to OSHA an HOM specific to the Bay Park Conveyance Tunnel Project at least six

months before using the TBM for tunneling operations. The applicant must also submit, at least six months before using the TBM, proof that the TBM's hyperbaric chambers have been designed, fabricated, inspected, tested, marked, and stamped in accordance with the requirements of ASME PVHO-1.2019 (or the most recent edition of *Safety Standards for Pressure Vessels for Human Occupancy*). These requirements ensure that the applicant develops hyperbaric safety and health procedures suitable for the project.

The submission of the HOM enables OSHA to determine whether the safety and health instructions and measures it specifies are appropriate to the field conditions of the tunnel (including expected geological conditions), conform to the conditions of the variance, and adequately protect the safety and health of the CAWs. It also facilitates OSHA's ability to ensure that the applicant is complying with these instructions and measures. The requirement for proof of compliance with ASME PVHO-1.2019 is intended to ensure that the equipment is structurally sound and capable of performing to protect the safety of the employees exposed to hyperbaric pressure. The applicant has submitted the HOM and proof of compliance with ASME PVHO-1.2019.

Additionally, the condition includes a series of related hazard prevention and control requirements and methods (e.g., decompression tables, job hazard analyses (JHA), operations and inspections checklists, incident investigation, and recording and notification to OSHA of recordable hyperbaric injuries and illnesses) designed to ensure the continued effective functioning of the hyperbaric equipment and operating system.

##### *Condition E: Communication*

This condition requires the applicant to develop and implement an effective system of information sharing and communication. Effective information sharing and communication are intended to ensure that affected workers receive updated information regarding any safety-related hazards and incidents, and corrective actions taken, prior to the start of each shift. The condition also requires the applicant to ensure that reliable means of emergency communications are available and maintained for affected workers and support personnel during hyperbaric operations. Availability of such reliable means of communications enables affected workers and support personnel to respond quickly and effectively to hazardous conditions or emergencies

that may develop during TBM operations.

##### *Condition F: Worker Qualification and Training*

This condition requires the applicant to develop and implement an effective qualification and training program for affected workers. The condition specifies the factors that an affected worker must know to perform safely during hyperbaric operations, including how to enter, work in, and exit from hyperbaric conditions under both normal and emergency conditions. Having well-trained and qualified workers performing hyperbaric intervention work is intended to ensure that they recognize, and respond appropriately to, hyperbaric safety and health hazards. These qualification and training requirements enable affected workers to cope effectively with emergencies, as well as the discomfort and physiological effects of hyperbaric exposure, thereby preventing worker injury, illness, and fatalities.

Paragraph (2)(e) of this condition requires the applicant to provide affected workers with information they can use to contact the appropriate healthcare professionals if the workers believe they are developing hyperbaric-related health effects. This requirement provides for early intervention and treatment of DCI and other health effects resulting from hyperbaric exposure, thereby reducing the potential severity of these effects.

##### *Condition G: Inspections, Tests, and Accident Prevention*

Condition G requires the applicant to develop, implement, and operate a program of frequent and regular inspections of the TBM's hyperbaric equipment and support systems, and associated work areas. This condition helps to ensure the safe operation and physical integrity of the equipment and work areas necessary to conduct hyperbaric operations. The condition also enhances worker safety by reducing the risk of hyperbaric-related emergencies.

Paragraph (3) of this condition requires the applicant to document tests, inspections, corrective actions, and repairs involving the TBM, and maintain these documents at the jobsite for the duration of the job. This requirement provides the applicant with information needed to schedule tests and inspections to ensure the continued safe operation of the equipment and systems, and to determine that the actions taken to correct defects in hyperbaric equipment and systems were

appropriate, prior to returning them to service.

*Condition H: Compression and Decompression*

This condition requires the applicant to consult with the designated medical advisor regarding special compression or decompression procedures appropriate for any unacclimated CAW and then implement the procedures recommended by the medical advisor. This proposed provision ensures that the applicant consults with the medical advisor, and involves the medical advisor in the evaluation, development, and implementation of compression or decompression protocols appropriate for any CAW requiring acclimation to the hyperbaric conditions encountered during TBM operations. Accordingly, CAWs requiring acclimation have an opportunity to acclimate prior to exposure to these hyperbaric conditions. OSHA believes this condition will prevent or reduce adverse reactions among CAWs to the effects of compression or decompression associated with the intervention work they perform in the TBM.

*Condition I: Recordkeeping*

Under OSHA's recordkeeping requirements in 29 CFR part 1904 regarding Recording and Reporting Occupational Injuries and Illnesses, the employer must maintain a record of any recordable injury, illness, or fatality (as defined by 29 CFR part 1904) resulting from exposure of an employee to hyperbaric conditions, or any other work conditions, by completing the OSHA Form 301 Incident Report and OSHA Form 300 Log of Work-Related Injuries and Illnesses. The applicant did not seek a variance from this standard and therefore Ballard must comply fully with those requirements.

Examples of important information to include on the OSHA Form 301 Injury and Illness Incident Report (along with the corresponding questions on the form) are:

**Q14**

- the task performed;
- the composition of the gas mixture (e.g., air or oxygen);
- an estimate of the CAW's workload;
- the maximum working pressure;
- temperature in the work and decompression environments;
- unusual occurrences, if any, during the task or decompression

**Q15**

- time of symptom onset;
- duration between decompression and onset of symptoms

**Q16**

- type and duration of symptoms;
- a medical summary of the illness or injury

**Q17**

- duration of the hyperbaric intervention;
- possible contributing factors;
- the number of prior interventions completed by the injured or ill CAW; and the pressure to which the CAW was exposed during those interventions.<sup>11</sup>

Condition J below adds additional reporting responsibilities, beyond those already required by the OSHA standard. The applicant is required to maintain records of specific factors associated with each hyperbaric intervention. The information gathered and recorded under Condition J, in concert with the information provided under Condition I (using OSHA Form 301 Injury and Illness Incident Report to investigate and record hyperbaric recordable injuries as defined by 29 CFR 1904.4, 1904.7, and 1904.8–.12), enables the applicant and OSHA to assess the effectiveness of the permanent variance in preventing DCI and other hyperbaric-related effects.

*Condition J: Notifications*

Under the notifications condition, the applicant is required, within specified periods of time, to notify OSHA of: (1) any recordable injury, illness, in-patient hospitalization, amputation, loss of an eye, or fatality that occurs as a result of hyperbaric exposures during TBM operations; and in-patient hospitalization, amputation, loss of an eye or fatality that occurs during other operations must also be reported pursuant to 29 CFR 1910.39(a); (2) provide OSHA a copy of the hyperbaric exposures incident investigation report (using OSHA Form 301 Injury and Illness Incident Report) of these events within 24 hours of the incident; (3) include on OSHA Form 301 Injury and Illness Incident Report information on the hyperbaric conditions associated with the recordable injury or illness, the root-cause determination, and preventive and corrective actions identified and implemented; (4) provide the certification that affected workers were informed of the incident and the results of the incident investigation; (5) notify OSHA's Office of Technical Programs and Coordination Activities (OTPCA) and the OSHA Area Office in

Long Island, New York within 15 working days should the applicant need to revise the HOM to accommodate changes in its compressed-air operations that affect Ballard's ability to comply with the conditions of the permanent variance; and (6) provide OTPCA and the OSHA Area Office in Long Island, New York, at the end of the project, with a report evaluating the effectiveness of the decompression tables.

It should be noted that the requirement for completing and submitting the hyperbaric exposure-related (recordable) incident investigation report (OSHA 301 Injury and Illness Incident Report) is more restrictive than the current recordkeeping requirement of completing OSHA Form 301 Injury and Illness Incident Report within 7 calendar days of the incident (1904.29(b)(3)). This modified, more stringent incident investigation and reporting requirement is restricted to intervention-related hyperbaric (recordable) incidents only. Providing rapid notification to OSHA is essential because time is a critical element in OSHA's ability to determine the continued effectiveness of the variance conditions in preventing hyperbaric incidents, and the applicant's identification and implementation of appropriate corrective and preventive actions.

Further, these notification requirements also enable the applicant, its employees, and OSHA to assess the effectiveness of the permanent variance in providing the requisite level of safety to the applicant's workers and based on this assessment, whether to revise or revoke the conditions of the permanent variance. Timely notification permits OSHA to take whatever action may be necessary and appropriate to prevent possible further injuries and illnesses. Providing notification to employees informs them of the precautions taken by the applicant to prevent similar incidents in the future.

Additionally, this condition requires the applicant to notify OSHA if it ceases to do business, has a new address or location for the main office, or transfers the operations covered by the permanent variance to a successor company. In addition, the condition specifies that the transfer of the permanent variance to a successor company must be approved by OSHA. These requirements allow OSHA to communicate effectively with the applicant regarding the status of the permanent variance and expedite the agency's administration and enforcement of the permanent variance.

<sup>11</sup> See 29 CFR 1904 Recording and Reporting Occupational Injuries and Illnesses ([http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=9631](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9631)); recordkeeping forms and instructions <https://www.osha.gov/recordkeeping/forms>.



Stipulating that the applicant is required to have OSHA's approval to transfer a variance to a successor company provides assurance that the successor company has knowledge of, and will comply with, the conditions specified by permanent variance, thereby ensuring the safety of workers involved in performing the operations covered by the permanent variance.

## VII. Order

As of the effective date of this final order, OSHA is revoking the interim order granted to the employer on August 4, 2023 (88 FR 51862) and replacing it with a permanent variance order. Note that there are not any substantive changes in the conditions between the interim order and this final order.

OSHA issues this final order authorizing Ballard to comply with the following conditions instead of complying with the requirements of 29 CFR 1926.803 (f)(1), (g)(1)(iii), and (g)(1)(xvii). These conditions are:

### A. Scope

The permanent variance applies only when Ballard stops the tunnel-boring work, pressurizes the working chamber, and the CAWs either enter the working chamber to perform an intervention (*i.e.*, inspect, maintain, or repair the mechanical-excavation components), or exit the working chamber after performing interventions.

The permanent variance applies only to work:

1. That occurs in conjunction with construction of the Bay Park Conveyance Tunnel Project, a tunnel constructed using advanced shielded mechanical-excavation techniques and involving operation of an TBM;
2. In the TBM's forward section (the working chamber) and associated hyperbaric chambers used to pressurize and decompress employees entering and exiting the working chamber; and
3. Performed in compliance with all applicable provisions of 29 CFR part 1926 except for the requirements specified by 29 CFR 1926.803 (f)(1), (g)(1)(iii), and (g)(1)(xvii).
4. This order will remain in effect until one of the following conditions occurs: (1) completion of the Bay Park Conveyance Tunnel Project; or (2) OSHA modifies or revokes this final order in accordance with 29 CFR 1905.13.

### B. List of Abbreviations

Abbreviations used throughout this permanent variance includes the following:

1. CAW—Compressed-air worker
2. CFR—Code of Federal Regulations

3. DCI—Decompression Illness
4. DMT—Diver Medical Technician
5. TBM—Earth Pressure Balanced Tunnel Boring Machine
6. HOM—Hyperbaric Operations Manual
7. JHA—Job hazard analysis
8. OSHA—Occupational Safety and Health Administration
9. OTPCA—Office of Technical Programs and Coordination Activities

### C. Definitions

The following definitions apply to this permanent variance, Ballard's project-specific HOM, and all work carried out under the conditions of this permanent variance.

1. *Affected employee or worker*—an employee or worker who is affected by the conditions of this permanent variance, or any one of his or her authorized representatives. The term "employee" has the meaning defined and used under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 *et seq.*).

2. *Atmospheric pressure*—the pressure of air at sea level, generally 14.7 pounds per square inch absolute (p.s.i.a.), 1 atmosphere absolute, or 0 p.s.i.g.

3. *Compressed-air worker*—an individual who is specially trained and medically qualified to perform work in a pressurized environment while breathing air at pressures not exceeding 29 p.s.i.g.

4. *Competent person*—an individual who is capable of identifying existing and predictable hazards in the surroundings or working conditions that are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.<sup>12</sup>

5. *Decompression illness*—an illness (also called decompression sickness or "the bends") caused by gas bubbles appearing in body compartments due to a reduction in ambient pressure. Examples of symptoms of decompression illness include, but are not limited to: joint pain (also known as the "bends" for agonizing pain or the "niggles" for slight pain); areas of bone destruction (termed dysbaric osteonecrosis); skin disorders (such as cutis marmorata, which causes a pink marbling of the skin, or in people with darker skin tones, the rash will appear as a marbled or lacy dark brown or purplish color); spinal cord and brain disorders (such as stroke, paralysis, paresthesia, and bladder dysfunction); cardiopulmonary disorders, such as shortness of breath; and arterial gas

embolism (gas bubbles in the arteries that block blood flow).<sup>13</sup>

**Note:** Health effects associated with hyperbaric intervention, but not considered symptoms of DCI, can include: barotrauma (direct damage to air-containing cavities in the body such as ears, sinuses, and lungs); nitrogen narcosis (reversible alteration in consciousness that may occur in hyperbaric environments and is caused by the anesthetic effect of certain gases at high pressure); and oxygen toxicity (a central nervous system condition resulting from the harmful effects of breathing molecular oxygen (O<sub>2</sub>) at elevated partial pressures).

6. *Diver Medical Technician*—Member of the dive team who is experienced in first aid.

7. *Earth Pressure Balanced Tunnel Boring Machine*—the machinery used to excavate a tunnel.

8. *Hot work*—any activity performed in a hazardous location that may introduce an ignition source into a potentially flammable atmosphere.<sup>14</sup>

9. *Hyperbaric*—at a higher pressure than atmospheric pressure.

10. *Hyperbaric intervention*—a term that describes the process of stopping the TBM and preparing and executing work under hyperbaric pressure in the working chamber for the purpose of inspecting, replacing, or repairing cutting tools and/or the cutterhead structure.

11. *Hyperbaric Operations Manual*—a detailed, project-specific health and safety plan developed and implemented by Ballard for working in compressed air during the Bay Park Conveyance Tunnel Project.

12. *Job hazard analysis*—an evaluation of tasks or operations to identify potential hazards and to determine the necessary controls.

13. *Man-lock*—an enclosed space capable of pressurization, and used for compressing or decompressing any employee or material when either is passing into, or out of, a working chamber.

14. *Medical Advisor*—medical professional experienced in the physical requirements of compressed air work and the treatment of decompression illness.

15. *Pressure*—a force acting on a unit area. Usually expressed as pounds per square inch (p.s.i.).

16. *p.s.i.*—pounds per square inch, a common unit of measurement of pressure; a pressure given in p.s.i. corresponds to absolute pressure.

<sup>13</sup> See Appendix 10 of "A Guide to the Work in Compressed-Air Regulations 1996," published by the United Kingdom Health and Safety Executive available from NIOSH at <http://www.cdc.gov/niosh/docket/archive/pdfs/NIOSH-254/compReg1996.pdf>.

<sup>14</sup> Also see 29 CFR 1910.146(b).

<sup>12</sup> Adapted from 29 CFR 1926.32(f).

17. *p.s.i.a.*—pounds per square inch absolute, or absolute pressure, is the sum of the atmospheric pressure and gauge pressure. At sea-level, atmospheric pressure is approximately 14.7 p.s.i.a. Adding 14.7 to a pressure expressed in units of p.s.i.g. will yield the absolute pressure, expressed as p.s.i.a.

18. *p.s.i.g.*—pounds per square inch gauge, a common unit of pressure; pressure expressed as p.s.i.g. corresponds to pressure relative to atmospheric pressure. At sea-level, atmospheric pressure is approximately 14.7 p.s.i.a. Subtracting 14.7 from a pressure expressed in units of p.s.i.a. yields the gauge pressure, expressed as p.s.i.g. At sea level the gauge pressure is 0 psig.

19. *Qualified person*—an individual who, by possession of a recognized degree, certificate, or professional standing, or who, by extensive knowledge, training, and experience, successfully demonstrates an ability to solve or resolve problems relating to the subject matter, the work, or the project.<sup>15</sup>

20. *Working chamber*—an enclosed space in the TBM in which CAWs perform interventions, and which is accessible only through a man-lock.

#### D. Safety and Health Practices

1. Ballard must implement the project-specific HOM submitted to OSHA as part of the application (see OSHA–2023–0010–0005). The HOM provides the minimum requirements regarding expected safety and health hazards (including anticipated geological conditions) and hyperbaric exposures during the tunnel-construction project.

2. Ballard must demonstrate that the TBM on the project is designed, fabricated, inspected, tested, marked, and stamped in accordance with the requirements of ASME PVHO–1.2019 (or most recent edition of *Safety Standards for Pressure Vessels for Human Occupancy*) for the TBM's hyperbaric chambers.

3. Ballard must implement the safety and health instructions included in the manufacturer's operations manuals for the TBM, and the safety and health instructions provided by the manufacturer for the operation of decompression equipment.

4. Ballard must ensure that there are no exposures to pressures greater than 29 p.s.i.g.

5. Ballard must ensure that air or oxygen is the only breathing gas in the working chamber.

6. Ballard must follow the 1992 French Decompression Tables for air or oxygen decompression as specified in the HOM; specifically, the extracted portions of the 1992 French Decompression tables titled, "French Regulation Air Standard Tables."

7. Ballard must equip man-locks used by employees with an air or oxygen delivery system, as specified by the HOM for the project. Ballard is prohibited from storing in the tunnel any oxygen or other compressed gases used in conjunction with hyperbaric work.

8. Workers performing hot work under hyperbaric conditions must use flame-retardant personal protective equipment and clothing.

9. In hyperbaric work areas, Ballard must maintain an adequate fire-suppression system approved for hyperbaric work areas.

10. Ballard must develop and implement one or more Job Hazard Analysis (JHA) for work in the hyperbaric work areas, and review, periodically and as necessary (e.g., after making changes to a planned intervention that affects its operation), the contents of the JHAs with affected employees. The JHAs must include all the job functions that the risk assessment<sup>16</sup> indicates are essential to prevent injury or illness.

11. Ballard must develop a set of checklists to guide compressed-air work and ensure that employees follow the procedures required by the permanent variance (including all procedures required by the HOM approved by OSHA for the project, which this permanent variance incorporates by reference). The checklists must include all steps and equipment functions that the risk assessment indicates are essential to prevent injury or illness during compressed-air work.

12. Ballard must ensure that the safety and health provisions of this project-specific HOM adequately protect the workers of all contractors and subcontractors involved in hyperbaric operations for the project to which the HOM applies.

#### E. Communication

1. Prior to beginning a shift, Ballard must implement a system that informs workers exposed to hyperbaric conditions of any hazardous occurrences or conditions that might affect their safety, including hyperbaric incidents, gas releases, equipment failures, earth or rockslides, cave-ins, flooding, fires, or explosions.

2. Ballard must provide a power-assisted means of communication among affected workers and support personnel in hyperbaric conditions where unassisted voice communication is inadequate.

(a) Ballard must use an independent power supply for powered communication systems, and these systems have to operate such that use or disruption of any one phone or signal location will not disrupt the operation of the system from any other location.

(b) Ballard must test communication systems at the start of each shift and as necessary thereafter to ensure proper operation.

#### F. Worker Qualifications and Training

Ballard must:

1. Ensure that each affected worker receives effective training on how to safely enter, work in, exit from, and undertake emergency evacuation or rescue from, hyperbaric conditions, and document this training.

2. Provide effective instruction on hyperbaric conditions, before beginning hyperbaric operations, to each worker who performs work, or controls the exposure of others, and document this instruction. The instruction must include:

(a) The physics and physiology of hyperbaric work;

(b) Recognition of pressure-related injuries;

(c) Information on the causes and recognition of the signs and symptoms associated with decompression illness, and other hyperbaric intervention-related health effects (e.g., barotrauma, nitrogen narcosis, and oxygen toxicity);

(d) How to avoid discomfort during compression and decompression;

(e) Information the workers can use to contact the appropriate healthcare professionals should the workers have concerns that they may be experiencing adverse health effects from hyperbaric exposure; and

(f) Procedures and requirements applicable to the employee in the project-specific HOM.

3. Repeat the instruction specified in paragraph (G) of this condition periodically and as necessary (e.g., after making changes to its hyperbaric operations).

4. When conducting training for its hyperbaric workers, make this training available to OSHA personnel and notify the OTHCA at OSHA's national office and OSHA's Long Island, New York Area Office before the training takes place.

<sup>15</sup> Adapted from 29 CFR 1926.32(m).

<sup>16</sup> Also see 29 CFR 1910.146(b).

### G. Inspections, Tests, and Accident Prevention

1. Ballard must initiate and maintain a program of frequent and regular inspections of the TBM's hyperbaric equipment and support systems (such as temperature control, illumination, ventilation, and fire-prevention and fire-suppression systems), and hyperbaric work areas, as required under 29 CFR 1926.20(b)(2), including:

(a) Developing a set of checklists to be used by a competent person in conducting weekly inspections of hyperbaric equipment and work areas; and

(b) Ensuring that a competent person conducts daily visual checks and weekly inspections of the TBM.

2. Removing any equipment that is found to constitute a safety hazard until Ballard corrects the hazardous condition and has the correction approved by a qualified person.

3. Ballard must maintain records of all tests and inspections of the TBM, as well as associated corrective actions and repairs, at the job site for the duration of the tunneling project and for 90 days after the final project report is submitted to OSHA.

### H. Compression and Decompression

Ballard must consult with its attending physician concerning the need for special compression or decompression exposures appropriate for CAWs not acclimated to hyperbaric exposure.

### I. Recordkeeping

In addition to completing OSHA Form 301 Injury and Illness Incident Report and OSHA Form 300 Log of Work-Related Injuries and Illnesses, Ballard must maintain records of:

1. The date, times (*e.g.*, time compression started, time spent compressing, time performing intervention, time spent decompressing), and pressure for each hyperbaric intervention.

2. The names of all supervisors and DMTs involved for each intervention.

3. The name of each individual worker exposed to hyperbaric pressure and the decompression protocols and results for each worker.

4. The total number of interventions and the amount of hyperbaric work time at each pressure.

5. The results of the post-intervention physical assessment of each CAW for signs and symptoms of decompression illness, barotrauma, nitrogen narcosis, oxygen toxicity or other health effects associated with work in compressed air for each hyperbaric intervention.

### J. Notifications

1. To assist OSHA in administering the conditions specified herein, Ballard must:

(a) Notify the OTPCA and the OSHA Area Office in Long Island, New York at [www.osha.gov/contactus/byoffice](http://www.osha.gov/contactus/byoffice) of any recordable injury, illness, or fatality (by submitting the completed OSHA Form 301 Injury and Illness Incident Report)<sup>17</sup> resulting from exposure of an employee to hyperbaric conditions, including those that do not require recompression treatment (*e.g.*, nitrogen narcosis, oxygen toxicity, barotrauma), but still meet the recordable injury or illness criteria of 29 CFR 1904. The notification must be made within 8 hours of the incident or 8 hours after becoming aware of a recordable injury, illness, or fatality; a copy of the incident investigation (OSHA Form 301 Injuries and Illness Incident Report) must be submitted to OSHA within 24 hours of the incident or 24 hours after becoming aware of a recordable injury, illness, or fatality. In addition to the information required by OSHA Form 301 Injuries and Illness Incident Report, the incident-investigation report must include a root-cause determination, and the preventive and corrective actions identified and implemented.

(b) Provide certification to OTPCA and the OSHA Area Office in Long Island, New York within 15 working days of the incident that Ballard informed affected workers of the incident and the results of the incident investigation (including the root-cause determination and preventive and corrective actions identified and implemented).

(c) Notify the OTPCA and the OSHA Area Office in Long Island, New York within 15 working days and in writing, of any change in the compressed-air operations that affects Ballard's ability to comply with the conditions specified herein.

(d) Upon completion of the Bay Park Conveyance Tunnel Project, evaluate the effectiveness of the decompression tables used throughout the project, and provide a written report of this evaluation to the OTPCA and the OSHA Area Office in Long Island, New York.

**Note:** The evaluation report must contain summaries of: (1) The number, dates, durations, and pressures of the hyperbaric interventions completed; (2) decompression protocols implemented (including

<sup>17</sup> See 29 CFR 1904 (Recording and Reporting Occupational Injuries and Illnesses) ([http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=9631](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9631)); recordkeeping forms and instructions <https://www.osha.gov/recordkeeping/forms>.

composition of gas mixtures (air and/or oxygen), and the results achieved; (3) the total number of interventions and the number of hyperbaric incidents (decompression illnesses and/or health effects associated with hyperbaric interventions as recorded on OSHA Form 301 Injuries and Illness Incident Report and OSHA Form 300 Log of Work-Related Injuries and Illnesses, and relevant medical diagnoses, and treating physicians' opinions); and (4) root causes of any hyperbaric incidents, and preventive and corrective actions identified and implemented.

(e) To assist OSHA in administering the conditions specified herein, inform the OTPCA and the OSHA Area Office in Long Island, New York as soon as possible, but no later than seven (7) days, after it has knowledge that it will:

(i) Cease doing business;

(ii) Change the location and address of the main office for managing the tunneling operations specified herein; or

(iii) Transfer the operations specified herein to a successor company.

(f) Notify all affected employees of this permanent variance by the same means required to inform them of its application for a permanent variance.

2. This permanent variance cannot be transferred to a successor company without OSHA approval.

### VIII. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 655(d), Secretary of Labor's Order No. 8–2020 (85 FR 58393, Sept. 18, 2020), and 29 CFR 1905.11.

Signed at Washington, DC, on January 31, 2024.

**James S. Frederick,**

*Deputy Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2024–02437 Filed 2–6–24; 8:45 am]

**BILLING CODE 4510–26–P**

### DEPARTMENT OF LABOR

#### Occupational Safety and Health Administration

[Docket No. OSHA–2013–0016]

#### Nemko North America, Inc.: Application for Expansion of Recognition

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA announces the application of Nemko North America, Inc. for expansion of the recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application.

**DATES:** Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before February 22, 2024.

**ADDRESSES:** Submit comments by any of the following methods:

*Electronically:* Submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

*Docket:* To read or download comments or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office. All documents in the docket (including this **Federal Register** notice) are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627) for assistance in locating docket submissions.

*Instructions:* All submissions must include the agency name and the OSHA docket number (OSHA-2013-0016). OSHA places comments and other materials, including any personal information, in the public docket without revision, and these materials will be available online at <http://www.regulations.gov>. Therefore, the agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

*Extension of comment period:* Submit requests for an extension of the comment period on or before February 22, 2024 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N-3653, Washington, DC 20210, or by fax to (202) 693-1644.

**FOR FURTHER INFORMATION CONTACT:** Information regarding this notice is available from the following sources:

*Press inquiries:* Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, phone: (202) 693-1999 or email: [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

*General and technical information:* Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, phone: (202) 693-1911 or email: [robinson.kevin@dol.gov](mailto:robinson.kevin@dol.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Notice of the Application for Expansion**

OSHA is providing notice that Nemko North America, Inc. (NNA) is applying for expansion of the current recognition as a NRTL. NNA requests the addition of one test standard to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes: (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides a final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including NNA, which

details the NRTL's scope of recognition. These pages are available from the OSHA website at <http://www.osha.gov/dts/otpc/nrtl/index.html>.

NNA currently has two facilities (sites) recognized by OSHA for product testing and certification, with the headquarters located at: Nemko North America, Inc., 303 River Road, Ottawa, Ontario K1V 1H2 Canada. A complete list of NNA's scope of recognition is available at <https://www.osha.gov/nationally-recognized-testing-laboratory-program/ccl>.

##### **II. General Background on the Application**

NNA submitted an application on September 20, 2023 (OSHA-2013-0016-0022), to expand the recognition to include one additional test standard. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

Table 1, below, lists the appropriate test standard found in NNA's application for expansion for testing and certification of products under the NRTL Program.

**TABLE 1—PROPOSED APPROPRIATE TEST STANDARD FOR INCLUSION IN NNA'S NRTL SCOPE OF RECOGNITION**

Test standard	Test standard title
UL 508A .....	Industrial Control Panels.

##### **III. Preliminary Findings on the Application**

NNA submitted an acceptable application for expansion of the scope of recognition. OSHA's review of the application file, and pertinent documentation, indicates that NNA has met the requirements prescribed by 29 CFR 1910.7 for expanding the recognition to include the addition of the one test standard for NRTL testing and certification listed in Table 1. This preliminary finding does not constitute an interim or temporary approval of NNA's application.

##### **IV. Public Participation**

OSHA welcomes public comment as to whether NNA meets the requirements of 29 CFR 1910.7 for expansion of recognition as a NRTL. Comments should consist of pertinent written documents and exhibits.

Commenters needing more time to comment must submit a request in writing, stating the reasons for the request by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified.

To review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. These materials also are generally available online at <https://www.regulations.gov> under Docket No. OSHA–2013–0016 (for further information, see the “Docket” heading in the section of this notice titled **ADDRESSES**).

OSHA staff will review all comments to the docket submitted in a timely manner. After addressing the issues raised by these comments, staff will make a recommendation to the Assistant Secretary of Labor for Occupational Safety and Health on whether to grant NNA’s application for expansion of the scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of the final decision in the **Federal Register**.

## V. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor’s Order No. 8–2020 (85 FR 58393, Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on February 1, 2024.

**James S. Frederick,**

*Deputy Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2024–02440 Filed 2–6–24; 8:45 am]

**BILLING CODE 4510–26–P**

## LIBRARY OF CONGRESS

### Copyright Office

[Docket No. 2023–5]

### Exemptions To Permit Circumvention of Access Controls on Copyrighted Works: Notice of Public Hearings

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Notice of public hearings.

**SUMMARY:** The United States Copyright Office will hold public hearings as part of the ninth triennial rulemaking proceeding under the Digital Millennium Copyright Act (“DMCA”) concerning proposed exemptions to the DMCA’s prohibition against circumvention of technological measures that control access to copyrighted works. Parties interested in testifying at the hearings are invited to submit requests to testify pursuant to the instructions set forth below.

**DATES:** Public hearings will be scheduled for the week of April 15–19, 2024. Requests to testify must be received no later than 11:59 p.m. Eastern time on March 1, 2024. The Office will prepare a schedule based on the number and nature of requests to testify. Once the schedule of hearing witnesses is finalized, the Office will notify all participants and post the times, dates, and agenda of the hearings at <https://www.copyright.gov/1201/2024/>.

**ADDRESSES:** The Office will conduct the hearings remotely using the Zoom videoconferencing platform. Requests to testify should be submitted through the request form available at <http://www.copyright.gov/1201/2024/hearing-request.html>.

#### FOR FURTHER INFORMATION CONTACT:

Rhea Efthimiadis, Assistant to the General Counsel, by email at [mef@copyright.gov](mailto:mef@copyright.gov) or by telephone at (202) 707–8350.

**SUPPLEMENTARY INFORMATION:** On June 8, 2023, the Copyright Office (“Office”) published a notice of inquiry in the **Federal Register** to initiate the ninth triennial rulemaking proceeding under 17 U.S.C. 1201(a)(1), which provides that the Librarian of Congress, upon recommendation of the Register of Copyrights, may exempt certain classes of copyrighted works from the prohibition against circumventing a technological measure that controls access to a copyrighted work.<sup>1</sup> On October 19, 2023, the Office published a notice of proposed rulemaking setting

forth proposed exemptions for seven new or expanded classes of works and requesting written comments.<sup>2</sup> The responsive comments received thus far are posted on the Office’s website. See <https://www.copyright.gov/1201/2024/>.

At this time, the Office is announcing public hearings to be held via Zoom to further consider the proposed exemptions. Each hearing will pertain to a proposed exemption and will feature a panel of witnesses. Hearings will be live-streamed, recorded, transcribed, and posted to the Office’s website.

Those who wish to speak on a panel should submit a request to testify by following the procedure detailed below. If the Office does not receive any requests to testify regarding a particular class, it will not host a hearing for that proposed exemption. If the Office receives requests to testify but determines a hearing is not necessary, it will contact requesters.

### A. Submitting Requests To Testify

A request to testify should be submitted to the Office using the form on the Office’s website indicated in the **ADDRESSES** section above. Anyone wishing to testify with respect to more than one proposed class must submit a separate form for each request. To the extent feasible, the Office requests that organizations submit only one panelist request per proposed class and encourages parties with similar interests to select a common representative to testify on their behalf. If multiple persons from the same organization wish to testify regarding the *same* proposed exemption, each should submit a separate request, and explain in their submission the need for multiple witnesses. For parties represented by law school clinics, the Office will attempt to accommodate requests to allow students to participate under the supervision of a faculty member.

Depending on the number and nature of the requests, and in light of the limited time available, the Office may not be able to accommodate all requests to testify. The Office will give preference to those who have submitted substantive comments in support of or in opposition to a proposal.

All requests to testify must clearly identify:

- The name of the person seeking to serve as a witness;
- The organization or organizations represented, if any;
- Contact information;
- The proposed class about which the person seeks to testify;

<sup>1</sup> 88 FR 37486 (June 8, 2023).

<sup>2</sup> 88 FR 72013 (Oct. 19, 2023).

- A two- to three-sentence summary of the testimony the witness expects to present; and
- If the witness is requesting the ability to demonstrate a use or a technology at the hearing, a description of the demonstration, the approximate time required, and any functionality required to make the demonstration viewable via Zoom. The Office cannot guarantee that witnesses will have the ability to introduce demonstrative evidence into the record during the hearing but will consider options to accommodate such requests.

Following receipt of the requests to testify, the Office will prepare agendas listing the witnesses, dates, and times for each hearing. Once prepared, the agendas will be circulated to witnesses and posted at <http://www.copyright.gov/1201/2024>.

## B. Format of Public Hearings

The Office will establish time limits for each panel after receiving all requests to testify. Generally, the Office plans to allot approximately one to two hours for each proposed class, depending upon the complexity of the class. Members of the public will be provided a limited opportunity to offer additional comments for the record, but parties who wish to provide detailed information to the Office are encouraged to submit a request to testify.

The hearings will focus on legal or factual issues that the Office finds unclear or underdeveloped in the written record, as well as demonstrative evidence. Witnesses should be prepared to discuss, among other things, where the copies of the works sought to be accessed are stored, how those works can be accessed, and what would be done with the works upon access. The Office also encourages witnesses to provide real-world examples, descriptions, or demonstrations of methods of access, uses, and technologies pertinent to a proposal.

Presenters who wish to hold demonstrations should consider whether a demonstration is able to be presented in a format that enables it to be viewed by participants and observers via Zoom. To ensure proper documentation of the hearings, the Office will require that a copy of any audio, visual, or audiovisual materials that have been prepared in advance (e.g., slideshows and videos) be provided to it following the hearing. The Office may contact witnesses individually ahead of time to ensure that demonstrations can be preserved for the record in an appropriate form.

## C. Ex-Parte Communications

The Office plans to permit requests for *ex parte* meetings later this year. *Ex parte* communications may be used to supplement, but not substitute for, the written record and testimony at the public hearings.

The Office recently issued regulations governing *ex parte* communications during official rulemakings,<sup>3</sup> which will govern in this proceeding. Pursuant to those regulations, summaries of any *ex parte* hearings will be publicly available on the Office's website and will be part of the written record. The Office will provide more information about the process, including the timing for meetings, on its web page following the completion of the public hearings. No *ex parte* meetings will be scheduled before that time.

Dated: February 2, 2024.

**Suzanne V. Wilson,**

*General Counsel and Associate Register of Copyrights.*

[FR Doc. 2024-02499 Filed 2-6-24; 8:45 am]

**BILLING CODE 1410-30-P**

## NATIONAL CREDIT UNION ADMINISTRATION

### Renewal of Agency Information Collection for Comments Request: Proposed Collection

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Notice and request for comments.

**SUMMARY:** The National Credit Union Administration (NCUA) will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice.

**DATES:** Written comments should be received on or before April 8, 2024 to be assured consideration.

**ADDRESSES:** Interested persons are invited to submit written comments on the information collection to Mahala Vixamar, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314, Suite 5067; Fax No. 703-519-8579; or Email at [PRAComments@NCUA.gov](mailto:PRAComments@NCUA.gov).

**FOR FURTHER INFORMATION CONTACT:** Copies of the submission may be obtained by contacting Mahala Vixamar at (703) 718-1155.

<sup>3</sup> 88 FR 54491 (Aug. 11, 2023); see also 37 CFR 205.24.

## SUPPLEMENTARY INFORMATION:

*OMB Number:* 3133-0165.

*Title:* Fair Credit Reporting (FCRA), Regulation V and 12 CFR 717.

*Type of Review:* Extension of a previously approved collection.

*Abstract:* The Fair Credit Reporting Act (FCRA) sets standards for the collection, communication, and use of information bearing on a consumer's creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living. FCRA has been revised numerous times since it took effect, notably by passage of the Consumer Credit Reporting Reform Act of 1996, the Gramm-Leach-Bliley Act of 1999, and the Fair and Accurate Credit Transactions Act of 2003. Regulation V contains several requirements that impose information collection requirements on federal credit unions: the negative information notice; risk-based pricing; the procedures to enhance the accuracy and integrity of information furnished to consumer reporting agencies; the duties upon notice of dispute from a consumer; the affiliate marketing opt-out notice; and the prescreened consumer reports opt-out notice. The collection of information pursuant to Parts 1022 and 717 is triggered by specific events and disclosures and must be provided to consumers within the time periods established under the regulation. Regulation V and 12 CFR 717 includes model notices and/or model forms that can be used to comply with the disclosure requirements of FCRA.

*Affected Public:* Private Sector: Not-for-profit institutions; Individuals or Households.

*Estimated Total Annual Burden Hours:* 272,686.

*Request for Comments:* Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) whether the collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of the information on the respondents, including the use of automated

collection techniques or other forms of information technology.

By the National Credit Union Administration Board.

**Melane Conyers-Ausbrooks,**  
*Secretary of the Board.*

[FR Doc. 2024-02457 Filed 2-6-24; 8:45 am]

BILLING CODE 7535-01-P

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Institute of Museum and Library Services

#### Submission for OMB Review, Comment Request, Proposed Collection Request for Advance or Reimbursement Web Form

**AGENCY:** Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

**ACTION:** Submission for OMB Review, comments request, collection of information.

**SUMMARY:** The Institute of Museum and Library Services (IMLS) announces the following information collection has been submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This program helps to ensure that 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 on respondents can be properly assessed. The purpose of this Notice is to solicit comments about the web form used by IMLS awardees to request advance or reimbursement payments. A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before March 8, 2024.

**ADDRESSES:** Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this Notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection request by selecting "Institute of Museum and Library Services" under "Currently Under Review;" then check "Only Show ICR for Public Comment" checkbox. Once you have found this information

collection request, select "Comment," and enter or upload your comment and information. Alternatively, please mail your written comments to Office of Information and Regulatory Affairs, Attn.: OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, or call (202) 395-7316.

OMB is particularly interested in comments that help the agency to:

- 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).

**FOR FURTHER INFORMATION CONTACT:** Julie Balutis, Senior Program Systems Analyst, Office of Grants Policy and Management, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington DC 20024-2135. Ms. Balutis can be reached by telephone at 202-653-4645, or by email at [jbabutis@imls.gov](mailto:jbabutis@imls.gov). Persons who are deaf or hard of hearing (TTY users) can contact IMLS at 202-207-7858 via 711 for TTY-Based Telecommunications Relay Service.

**SUPPLEMENTARY INFORMATION:** IMLS is the primary source of federal support for the nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant making, research, and policy development. To learn more, visit [www.imls.gov](http://www.imls.gov).

**Current Actions:** The purpose of this collection is to administer the process by which IMLS awardees request advance or reimbursement payments. The proposed form will be embedded in the electronic grants management system that the agency uses to monitor and service all active awards during the period of performance and through closeout.

The 60-day Notice was published in the **Federal Register** on December 1, 2023 (88 FR 83974).

The agency received no comments under this Notice.

**Agency:** Institute of Museum and Library Services.

**Title:** Request for Advance or Reimbursement Web Form.

**OMB Control Number:** 3137-0124.

**Affected Public:** IMLS financial assistance awardees.

**Total Number of Respondents:** 2,000.

**Frequency of Response:** Average three times per year.

**Average Hours per Response:** One.

**Total Estimated Number of Annual Burden Hours:** 6,000.

**Total Annualized Capital/Startup Costs:** n/a.

**Cost Burden:** \$174,600.

**Total Annual Federal Costs:** \$52,500.

Dated: February 1, 2024.

**Suzanne Mbollo,**

*Grants Management Specialist, Institute of Museum and Library Services.*

[FR Doc. 2024-02409 Filed 2-6-24; 8:45 am]

BILLING CODE 7036-01-P

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Institute of Museum and Library Services

#### Submission for OMB Review, Comment Request, Proposed Collection: Collections Assessment for Preservation Program

**AGENCY:** Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

**ACTION:** Submission for OMB review, comments request, collection of information.

**SUMMARY:** The Institute of Museum and Library Services (IMLS) announces the following information collection has been submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This program helps to ensure that 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 on respondents can be properly assessed. This notice proposes the clearance of the Collections Assessment for Preservation Program Notice of Funding Opportunity. A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

**DATES:** Written comments must be submitted to the office listed in the



**ADDRESSES** section below on or before March 8, 2024.

**ADDRESSES:** Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection request by selecting “Institute of Museum and Library Services” under “Currently Under Review;” then check “Only Show ICR for Public Comment” checkbox. Once you have found this information collection request, select “Comment,” and enter or upload your comment and information. Alternatively, please mail your written comments to Office of Information and Regulatory Affairs, Attn.: OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, or call (202) 395–7316.

OMB is particularly interested in comments that help the agency to:

- 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).

**FOR FURTHER INFORMATION CONTACT:**

Sarah Glass, Senior Program Officer, Office of Museum Services, Institute of Museum and Library Services, 955 L’Enfant Plaza North SW, Suite 4000, Washington DC 20024–2135. Ms. Glass can be reached by telephone at 202–653–4668 or by email at [sglass@imls.gov](mailto:sglass@imls.gov). Persons who are deaf or hard of hearing (TTY users) can contact IMLS at 202–207–7858 via 711 for TTY-Based Telecommunications Relay Service.

**SUPPLEMENTARY INFORMATION:** IMLS is the primary source of federal support for the nation’s libraries and museums. We advance, support, and empower America’s museums, libraries, and related organizations through grant making, research, and policy

development. To learn more, visit [www.imls.gov](http://www.imls.gov).

**Current Actions:** The purpose of this collection is to administer the Collections Assessment for Preservation Program, a special initiative of the National Leadership Grants for Museums program. The goal of the special initiative is to provide an affordable and accessible program for small to midsize museums to help them plan for the conservation of the collections entrusted to them by the public for preservation. Through this program, IMLS aims to (1) increase the capacity of museums to understand the conservation needs of their collections and the building environments in which they are housed; (2) strengthen the knowledge of museum personnel about the care and conservation of collections; and (3) position museums to plan strategically for the long-term care and conservation of their collections. This action is to seek clearance of the Collections Assessment for Preservation Program Notice of Funding Opportunity.

The 60-day notice was published in the **Federal Register** on December 4, 2023 (88 FR 84177). The agency received no comments under this notice.

**Agency:** Institute of Museum and Library Services.

**Title:** Collections Assessment for Preservation Program.

**OMB Control Number:** 3137–0103.

**Affected Public:** Museums, colleges and universities, and organizations or associations that engage in activities designed to advance the well-being of museums and the museum profession.

**Total Number of Respondents:** 9.

**Frequency of Response:** Once per request.

**Average Hours per Response:** 40 hours.

**Total Estimated Number of Annual Burden Hours:** 360.

**Total Annualized capital/startup costs:** n/a.

**Total Annual Cost Burden:** \$1,298.

**Total Annual Federal Costs:** \$2,660.

Dated: February 1, 2024.

**Suzanne Mbollo,**

*Grants Management Specialist, Institute of Museum and Library Services.*

[FR Doc. 2024–02424 Filed 2–6–24; 8:45 am]

**BILLING CODE 7036–01–P**

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Institute of Museum and Library Services

#### Submission for OMB Review, Comment Request, Proposed Collection: Museums for All

**AGENCY:** Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

**ACTION:** Submission for OMB review, comments request, collection of information.

**SUMMARY:** The Institute of Museum and Library Services (IMLS) announces the following information collection has been submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This program helps to ensure that 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 on respondents can be properly assessed. This notice proposes the renewal clearance of the *Museums for All* which includes clearance for Registration and Report Forms. A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before March 8, 2024.

**ADDRESSES:** Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this Notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection request by selecting “Institute of Museum and Library Services” under “Currently Under Review;” then check “Only Show ICR for Public Comment” checkbox. Once you have found this information collection request, select “Comment,” and enter or upload your comment and information. Alternatively, please mail your written comments to Office of Information and Regulatory Affairs, Attn.: OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, or call (202) 395–7316.

OMB is particularly interested in comments that help the agency to:

- 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).

**FOR FURTHER INFORMATION CONTACT:**

Helen Wechsler, Supervisory Grants Management Specialist, Office of Museum Services, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington DC 20024–2135. Ms. Wechsler can be reached by Telephone: 202–653–4779, or by email at [hwechsler@imls.gov](mailto:hwechsler@imls.gov). Persons who are deaf or hard of hearing (TTY users) can contact IMLS at 202–207–7858 via 711 for TTY-Based Telecommunications Relay Service.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

IMLS is the primary source of federal support for the nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant-making, research, and policy development. Our vision is a nation where museums and libraries work together to work together to transform the lives of individuals and communities. To learn more, visit [www.imls.gov](http://www.imls.gov).

**II. Current Actions**

This notice proposes to renew the clearance of *Museums for All Registration and Report Forms*. The purpose of this collection is to support the administration of *Museums for All*, a program designed to increase access to museums for underserved audiences by inviting museums to allow Electronic Benefit Transfer card holders to receive reduced-price admission to their facilities. This information collection will obtain registration data from participating museums, such as institution name, mailing address, web address, operating budget, and attendance, as well as contact information for the staff members

administering the program. Additional reporting information, such as program attendance, sponsor involvement, partnerships, and feedback regarding experience with the program, will be collected quarterly to assess the implementation of the program components, the efficacy of program materials, and the impact of the program.

The 60-day Notice was published in the **Federal Register** on December 1, 2023 (88 FR 83976). The agency received no responses under this Notice.

**Agency:** Institute of Museum and Library Services.

**Title:** Museums for All.

**OMB Control Number:** 3137–0089.

**Agency Number:** 3137.

**Affected Public:** Museums.

**Total Number of Respondents:** 734.

**Frequency of Response:** Once per request for the Registration Form; four times per year for the Report Form.

**Average Hours per Response:** Registration Form: 0.5 hour; Report Form: 1 hour.

**Total Burden Hours:** 42 hours for the Registration Form; 2,600 hours for the Report Form.

**Total Annualized Capital/Startup Costs:** n/a.

**Total Annual Cost Burden:** \$1,363 for the Registration Form; \$84,370 for the Report Form.

**Total Annual Federal Costs:** \$0.

Dated: February 1, 2024.

**Suzanne Mbollo,**

*Grants Management Specialist, Institute of Museum and Library Services.*

[FR Doc. 2024–02418 Filed 2–6–24; 8:45 am]

**BILLING CODE 7036–01–P**

**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

**Institute of Museum and Library Services**

**Notice of Proposed Information Collection Requests: IMLS Collections Assessment for Preservation Forms**

**AGENCY:** Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

**ACTION:** Notice, request for comments, collection of information.

**SUMMARY:** The Institute of Museum and Library Services (IMLS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in

accordance with the Paperwork Reduction Act. This pre-clearance consultation program helps to ensure that 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 on respondents can be properly assessed. The purpose of this Notice is to solicit comments concerning the three-year approval of the forms necessary to support the implementation of the Collections Assessment for Preservation (CAP) program. They are designed to collect information to support applications to the program by both museums and conservators/assessors as well as pre-program questionnaires and post-program evaluations.

A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this Notice.

**DATES:** Written comments must be submitted to the office listed in the addressee section below on or before April 7, 2024.

**ADDRESSES:** Send comments to Sandra Narva, Acting Director of Grants Policy and Management, Office of Grants Policy and Management, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Ms. Narva can be reached by telephone: 202–653–4634, or by email at [snarva@imls.gov](mailto:snarva@imls.gov). Office hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except federal holidays.

Persons who are deaf or hard of hearing (TTY users) can contact IMLS at 202–207–7858 via 711 for TTY-Based Telecommunications Relay Service.

**FOR FURTHER INFORMATION CONTACT:** Sarah Glass, Senior Program Officer, Office of Museum Services, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Ms. Glass can be reached by telephone at 202–653–4668, or by email at [sglass@imls.gov](mailto:sglass@imls.gov). Persons who are deaf or hard of hearing (TTY users) can contact IMLS at 202–207–7858 via 711 for TTY-Based Telecommunications Relay Service.

**SUPPLEMENTARY INFORMATION:** IMLS is particularly interested in public comment that help the agency to:

- 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 submissions of responses.

## I. Background

IMLS is the primary source of federal support for the Nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant making, research, and policy development. To learn more, visit [www.imls.gov](http://www.imls.gov).

## II. Current Actions

The CAP program allows a qualified conservator to study all of a museum's collections, buildings, and building systems, as well as its policies and procedures relating to collections care. Participants who complete the program receive an assessment report with prioritized recommendations to improve collections care. The forms submitted for public review in this Notice are application forms for assessors and participating museums; pre-visit site questionnaires for participating museums; CAP program evaluation forms for participating museums and assessors; and a follow-up survey for participating museums.

*Agency:* Institute of Museum and Library Services.

*Title:* IMLS Collections Assessment for Preservation Forms.

*OMB Control Number:* 3137-0126.

*Respondents/Affected Public:* Museum professionals and professional conservators.

*Total Estimated Number of Annual Respondents:* TBD.

*Frequency of Response:* TBD.

*Average Hours per Response:* TBD.

*Total Estimated Number of Annual Burden Hours:* TBD.

*Cost Burden (dollars):* TBD.

*Public Comments Invited:* Comments submitted in response to this Notice will be summarized and/or included in the request for OMB's clearance of this information collection.

Dated: February 1, 2024.

**Suzanne Mbollo,**

*Grants Management Specialist, Institute of Museum and Library Services.*

[FR Doc. 2024-02432 Filed 2-6-24; 8:45 am]

BILLING CODE 7036-01-P

## NATIONAL SCIENCE FOUNDATION

### Agency Information Collection Activities: Comment Request; Evaluation of the National Science Foundation's (NSF) Broader Impacts Review Criterion

**AGENCY:** National Science Foundation.

**ACTION:** Submission for OMB review; comment request.

**SUMMARY:** The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995. This is the second notice for public comment; the first was published in the **Federal Register**, and no comments were received. NSF is forwarding the proposed submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice.

**DATES:** 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](http://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:

Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314; telephone (703) 292-7556; or send email to [splimpto@nsf.gov](mailto:splimpto@nsf.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

*Comments:* Comments regarding (a) whether the proposed collection of information is necessary for the proper performance of the functions of the NSF, including whether the information shall have practical utility; (b) the accuracy of the NSF's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, use, and clarity of the information on respondents; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to the points of

contact in the **FOR FURTHER INFORMATION CONTACT** section.

Copies of the submission may be obtained by calling 703-292-7556. NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number, and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

#### SUPPLEMENTARY INFORMATION:

*Title of Collection:* Evaluation of the National Science Foundation's (NSF) Broader Impacts Review Criterion.

*OMB Number:* 3145-NEW.

*Type of Request:* New information collection.

*Description:* NSF is conducting an evaluation to assess (1) how NSF's Broader Impacts review criterion is applied across the Foundation and (2) its effectiveness in meeting the goals established in section 526 of the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Reauthorization Act of 2010 (42 U.S.C. 1862p-14) (America COMPETES Reauthorization Act of 2010). This evaluation is congressionally directed in section 10341 of the Creating Helpful Incentives to Produce Semiconductors [CHIPS] for America Fund Act 2022. As part of the evaluation, NSF is conducting a literature review, document analysis, extant data analysis, interviews with NSF staff, and focus groups with NSF principal investigators (PIs) and reviewers. NSF will map findings from the evaluation activities to current NSF policies and practices to identify strategies for improving how NSF applies the review criterion.

The subject of this request is related to the planned focus groups with PIs and reviewers. The focus groups will answer the following research questions (RQs):

- RQ1. In what ways do the interpretations of the Broader Impacts review criterion among PIs and reviewers vary, and what factors might contribute to these variations?

- RQ2. How do external reviewers assess the Broader Impact review criterion?

- RQ3. In what ways do PIs and reviewers perceive that variations in interpretation and assessment can advance or hinder the merit review of proposals?

Findings from the focus groups described in this request will be used to inform interpretation of other evaluation

activities within the larger project (including informing interpretation of interviews with NSF staff, document review analyses, and interpretation of extant data analysis of review analyses). For example, we anticipate that participants in these focus groups may raise issues around their understanding and interpretation of Broader Impacts, which can be compared to perceptions that NSF staff report during interviews.

### Background

NSF sets forth an ambitious vision for the United States: a nation that leads the world in science and engineering research and innovation, to the benefit of all, without barriers to participation. Toward this end, NSF promotes the progress of science by investing in research and capacity-building activities that expand knowledge in science, engineering, and education. In fiscal year (FY) 2022, NSF evaluated almost 40,000 proposals for research and education activities, making nearly 11,000 new awards totaling more than \$8.5 billion.

At the cornerstone of NSF's mission and its investments is its merit review process. NSF program directors with technical and programmatic expertise lead this process, with support from external experts who help evaluate submitted proposals for two main criteria: (1) Intellectual Merit—the potential to advance knowledge; and (2) Broader Impacts—the potential to contribute to society and achieve specific, desired societal outcomes. With these two criteria, NSF has established a commitment to projects that provide tangible benefits to society beyond advancing knowledge.

It is critically important that NSF implement its merit review process in a

way that is fair, thorough, competitive, and transparent, and that those internal and external to NSF recognize the process as such. However, as NSF noted, PIs and reviewers might lack clarity about the Broader Impacts criterion, despite NSF's efforts to provide additional guidance. NSF has also noted a lack of consistency in how NSF implements the criterion across directorates, divisions, and programs. Specific challenges related to the understanding and application of Broader Impacts include a lack of consensus on how to define Broader Impacts, and a disconnect between the Broader Impacts requirements stated in the NSF Proposal & Award Policies & Procedures Guide and how panelists review these activities (National Alliance for Broader Impacts 2018). The purpose of this work, then, is to “assess how the Broader Impact review criterion is applied across the Foundation and make recommendations for improving the effectiveness for meeting the goals established in section 526 of the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Reauthorization Act of 2010 (42 U.S.C. 1862p–14)” (America COMPETES Reauthorization Act of 2010). This evaluation is congressionally directed in section 10341 of the Creating Helpful Incentives to Produce Semiconductors [CHIPS] for America Fund Act 2022.

### Methodology

Focus groups will be conducted with two types of respondents: PIs and reviewers.

The evaluation will include three PI focus groups of up to seven people each. Participants in these groups will be PIs who submitted a proposal within the

last five years. The study team will select participants via a stratified random sample by NSF directorate, institutional characteristics (such as Carnegie classification, MSI status, and locale), and participant characteristics (such as race/ethnicity, gender, years since terminal degree, and new investigator status). PIs have firsthand experience addressing the Broader Impacts review criterion in their proposals. Among this group, key insights include the following:

1. Questions they have about how to address the Broader Impacts review criterion in their research and proposals.

2. Strategies they have employed as a PI in addressing the Broader Impacts review criterion in their research and proposals.

3. Resources or supports received from their respective institutions for developing well-thought-out proposals that address the Broader Impacts review criterion.

Reviewer focus groups will consist of three focus groups of up to seven people each. Participants in these groups will be people who served on a review panel within the last five years. The study team will select participants via a stratified random sample by directorate and participant characteristics (such as how long they have been reviewing NSF proposals). Reviewers have firsthand knowledge about applying the Broader Impacts review criterion. Among this group, key insights include the following:

1. Interpreting and applying the criterion as a reviewer (and compared with as a PI).

2. Reviewer training and guidance.  
*Affected Public:* NSF reviewers and PIs.

### AVERAGE EXPECTED ANNUAL NUMBER OF ACTIVITIES

Collection method	Estimated lower bound (number of responses)	Estimated upper bound (number of responses)	Estimated average response time (min)	Approximate lower bound response burden (hours)	Approximate upper bound response burden (hours)
Focus groups .....	4*6=24	7*6=42	90 minutes	(24*90)/60=36	(42*90)/60=72

*Respondents:* Lower-bound estimate of 24 individuals and upper-bound estimate of 48 individuals.

*Average Minutes per Response:* 90.

*Burden Hours:* Lower- and upper-bound estimates of approximately 36 and 72 hours.

Dated: January 3, 2023.

**Suzanne H. Plimpton,**

*Reports Clearance Officer, National Science Foundation.*

[FR Doc. 2024-02500 Filed 2-6-24; 8:45 am]

**BILLING CODE 7555-01-P**

### POSTAL REGULATORY COMMISSION

[Docket No. CP2022-110]

### 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:* February 8, 2024.

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

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

**SUPPLEMENTARY INFORMATION:**

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- I. Introduction
- 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.<sup>1</sup>

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):* CP2022-110; *Filing Title:* USPS Notice of Amendment to Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 20, Filed Under Seal, Filed Under Seal; *Filing Acceptance Date:* January 31, 2024; *Filing Authority:* 39 CFR 3035.105; *Public Representative:* Cherry Yao; *Comments Due:* February 8, 2024.

This Notice will be published in the **Federal Register**.

Jennie L. Jbara,  
*Alternate Certifying Officer.*

[FR Doc. 2024-02435 Filed 2-6-24; 8:45 am]

**BILLING CODE 7710-FW-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-99458; File No. SR-CboeEDGA-2024-003]

**Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend Rule 11.6(n)(4) and Rule 11.10(a)(4)(D) To Permit the Use of the Post Only Order Instruction at Prices Below \$1.00**

February 1, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 19, 2024, Cboe EDGA Exchange, Inc. (the "Exchange" or "EDGA") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

Cboe EDGA Exchange, Inc. (the "Exchange" or "EDGA") proposes to

amend Rule 11.6(n)(4) and Rule 11.10(a)(4)(D) to permit the use of the Post Only order instruction at prices below \$1.00. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website ([http://markets.cboe.com/us/equities/regulation/rule\\_filings/edga/](http://markets.cboe.com/us/equities/regulation/rule_filings/edga/)), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

**A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

**1. Purpose**

Trading in sub-dollar securities both on- and off-exchange has grown significantly since early 2019. An analysis of SIP<sup>3</sup> data by the Exchange found that sub-dollar average daily volume has increased over 300% as compared to volumes in the first quarter of 2019.<sup>4</sup> During this period, on-exchange average daily volume in sub-dollar securities grew from 442 million shares per day to 1.8 billion shares per day.<sup>5</sup> A separate analysis of SIP and FINRA Trade Reporting Facility ("TRF")<sup>6</sup> data indicated that exchanges represented approximately 39.8% market share in sub-dollar securities, with a total of 1,638 securities trading below \$1.00.<sup>7</sup> As an exchange group, Cboe had approximately 13.3% of market share in sub-dollar securities in

<sup>3</sup> The "SIP" refers to the centralized securities information processors.

<sup>4</sup> See "How Subdollar Securities are Trading Now" (March 16, 2023). Available at <https://www.cboe.com/insights/posts/how-subdollar-securities-are-trading-now/>.

<sup>5</sup> *Id.*

<sup>6</sup> Trade Reporting Facilities are facilities through which FINRA members report off-exchange transactions in NMS stocks, as defined in SEC Rule 600(b)(47) of Regulation NMS. See Securities Exchange Act Release No. 96494 (December 14, 2022), 87 FR 80266 (December 29, 2022) ("Tick Size Proposal") at 80315.

<sup>7</sup> *Supra* note 4.

<sup>1</sup> 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).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

the first quarter of 2023.<sup>8</sup> Additionally, an analysis of internal data showed that the Exchange's affiliate exchange, EDGX Exchange, Inc. ("EDGX"), has seen retail sub-dollar average daily volume grow from approximately \$40 million during the first quarter of 2022 to over \$100 million during the third quarter of 2023.

As a result of the growth in sub-dollar trading, the Exchange proposes to amend Rule 11.6(n)(4) in order to permit an order containing a Post Only instruction to post to the EDGA Book<sup>9</sup> at prices below \$1.00. As defined in Rule 11.6(n)(4), a Post Only instruction is "[a]n instruction that may be attached to an order that is to be ranked and executed on the Exchange pursuant to Rule 11.9 and Rule 11.10(a)(4) or cancelled, as appropriate, without routing away to another trading center except that the order will not remove liquidity from the EDGA Book. . .". Accordingly, an order containing a Post Only instruction does not remove liquidity, but rather posts to the EDGA Book to the extent permissible. Additionally, the Exchange proposes to amend Rule 11.10(a)(4)(D) to describe the manner in which bids or offers priced below \$1.00 per share are executed against orders resting on the EDGA Book. The Exchange believes the proposed changes will provide Users<sup>10</sup> with an additional order type to utilize when submitting order flow to the Exchange in securities priced below \$1.00, thereby contributing to a deeper and more liquid market, which benefits all market participants and provides greater execution opportunities on the Exchange. While the Exchange believes that expanding the use of the Post Only instruction to securities priced below \$1.00 will contribute to a deeper and more liquid market, the Exchange does not anticipate any capacity issues as a result of its proposal.

Currently, orders containing a Post Only instruction priced below \$1.00 are automatically treated as orders that remove liquidity.<sup>11</sup> In order to permit an order containing a Post Only instruction to post to the EDGA Book at prices

below \$1.00, the Exchange proposes to amend Rule 11.6(n)(4) to remove language that states that an order containing a Post Only instruction "will remove contra-side liquidity from the EDGA Book if the order is an order to buy or sell a security priced below \$1.00. . .". While the Exchange's economic best interest calculation<sup>12</sup> will remain the same as is currently in place for securities priced at or above \$1.00, the impact of this proposal will modify the outcome for orders containing a Post Only instruction in securities priced below \$1.00 for Users who choose to utilize this particular order type. Orders containing a Post Only instruction priced below \$1.00 will only remove liquidity if the value of the overall execution (taking into account all applicable fees and rebates) make it economically beneficial for the order to remove liquidity.<sup>13</sup> The Exchange has received User feedback requesting the ability to utilize orders containing a Post Only instruction in securities priced below \$1.00 in order to allow Users to operate a single trading strategy for securities at all prices even though the execution cost economics for securities priced below \$1.00 may only provide a slight economic advantage for Users who choose to utilize a Post Only instruction in securities priced below \$1.00.

Under the Exchange's current fee schedule, orders containing a Post Only instruction in securities priced below \$1.00 will not result in an economic benefit for Users and as such, securities priced below \$1.00 containing a Post Only instruction will be permitted to remove liquidity upon entry. The Exchange is proposing to update the rule text to permit orders priced below \$1.00 to include a Post Only instruction in order to maintain consistency with its

affiliate exchanges (Cboe BYX Exchange, Inc. ("BYX"), Cboe BZX Exchange, Inc. ("BZX"), and Cboe EDGX Exchange, Inc. ("EDGX")). Functionally, there will be no change to how an order containing a Post Only instruction is treated (*i.e.*, an order priced below \$1.00 will continue to be permitted to remove liquidity just as it is today), however the ability of the order to remove liquidity will be the result of the Exchange's economic best interest calculation rather than the treatment of the order based on current rule text. If, in the future, the Exchange modifies its fee schedule such that there would be an economic benefit for orders priced below \$1.00 containing a Post Only instruction to post to the EDGA Book rather than remove liquidity upon entry, then the proposed changes would result in a different outcome for Users who choose to submit orders containing a Post Only instruction in securities priced below \$1.00.

In addition to the proposed amendment to Rule 11.6(n)(4), the Exchange proposes an amendment to its order handling procedures in order to permit Non-Displayed Orders<sup>14</sup> and orders subject to display-price sliding (collectively, "Resting Orders") which are not executable at their most aggressive price due to the presence of a contra-side order containing a Post Only instruction to be executed at one minimum price variation less aggressive than the order's most aggressive price.<sup>15</sup> Currently, similar order handling behavior is codified for securities priced at or above \$1.00 in Rule 11.6(n)(4), but the Exchange's current fee schedule does not provide an economic benefit for orders containing a Post Only instruction to post to the EDGA Book, and as such, the order handling functionality is not currently

<sup>8</sup> *Id.*

<sup>9</sup> See Rule 1.5(d). The EDGA Book means the System's electronic file of orders.

<sup>10</sup> See Rule 1.5(ee). The term "User" shall mean any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.

<sup>11</sup> Orders containing a Post Only instruction in securities priced at or above \$1.00 remove contra-side liquidity only if the value of such execution when removing liquidity equals or exceeds the value of such execution if the order instead posted to the EDGA Book and subsequently provided liquidity. The Exchange does not propose to change the functionality of orders containing a Post Only instruction in securities priced at or above \$1.00.

<sup>12</sup> The Exchange's economic best interest calculation determines whether the value of price improvement associated with an order containing a Post Only instruction equals or exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the order posted to the EDGA Book and subsequently provided liquidity. The determination of whether an order containing a Post Only instruction will be allowed to post to the EDGA Book or be eligible to remove liquidity is based on the current fee schedule, the execution price, and the amount of price improvement received.

<sup>13</sup> The Exchange notes that EDGA currently offers a flat pricing structure for securities priced below \$1.00 in which it does not assess any fees to Users that add liquidity or pay any rebates to Users that remove liquidity. For securities priced at or above \$1.00, EDGA pays rebates to Users that remove liquidity and assesses fees to Users that add liquidity. All orders containing a Post Only instruction in securities priced at or above \$1.00 are permitted to remove liquidity, as the Exchange's economic best interest calculation does not result in an economic benefit for Users.

<sup>14</sup> See Rule 11.6(e)(2). A User may attach a "Non-Displayed Order" instruction to an order stating that the order is not to be displayed by the System on the EDGA Book.

<sup>15</sup> See Securities Exchange Act Release No. 75700 (August 14, 2015), 80 FR 50689 (August 20, 2015), SR-EDGA-2015-33 ("EDGA Order Handling Filing"). See also Securities Exchange Act Release No. 64475 (May 12, 2011), 76 FR 28830 (May 18, 2011), SR-BATS-2011-015 ("Resting Order Execution Filing"). The Resting Order Execution Filing introduced an order handling change for certain Non-Displayed Orders and orders subject to display-price sliding that are not executable at prices equal to displayed orders on the opposite side of the market (the "locking price") on the Exchange's affiliate, BZX (BATS) Exchange in 2011 and is incorporated by reference in the EDGA Order Handling Filing. The Resting Order Execution Filing permits Resting Orders priced at or above \$1.00 to be executed at one-half minimum price variation less aggressive than the locking price (for bids) and one-half minimum price variation more aggressive than the locking price (for offers), under certain circumstances.

applicable.<sup>16</sup> When proposed in 2011, the Resting Order Execution Filing stated that the order handling functionality was not necessary for securities priced below \$1.00 as the Exchange did not have the ability to quote in sub-pennies and the system limitations that market participants may encounter if attempting to execute in increments finer than \$0.0001.<sup>17</sup> Given the rise in sub-dollar trading discussed above, the Exchange now proposes to expand the order handling functionality introduced by the EDGA Order Handling Filing to securities priced below \$1.00 should the Exchange modify its fee schedule such that Users receive an economic benefit to utilize orders containing a Post Only instruction.

Rule 11.10(a)(4)(D) states that for securities priced above \$1.00, incoming orders that are Market Orders<sup>18</sup> or Limit Orders<sup>19</sup> priced more aggressively than an order displayed on the EDGA Book, the Exchange will execute the incoming order at, in the case of an incoming sell order, one-half minimum price variation less than the price of the displayed order, and, in the case of an incoming buy order, at one-half minimum price variation more than the price of the displayed order. The Exchange proposes that for securities priced below \$1.00, incoming orders that are Market Orders or Limit Orders priced more aggressively than an order displayed on the EDGA Book, the Exchange will execute the incoming order at, in the case of an incoming sell order, one minimum price variation less than the price of the displayed order, and, in the case of an incoming buy order, at one minimum price variation more than the price of the displayed order. The different treatment of securities priced below \$1.00 from securities priced at or above \$1.00 arises from limitations within the System,<sup>20</sup> which cannot process executions out to five decimal places.

As stated previously, the Exchange is proposing changes to its rule text in order to maintain consistency with its affiliate exchanges, but so long as the

current EDGA fee schedule remains in place, orders containing a Post Only instruction in securities priced below \$1.00 will continue to remove liquidity upon entry and the proposed order handling behavior change will not take effect, as no orders containing a Post Only instruction will be posted on the EDGA Book. The Exchange has included the following example to demonstrate the proposed changes, which shall only become effective should the Exchange modify its fee schedule such that Users receive an economic benefit to utilize orders containing a Post Only instruction.

#### Example 1

• Assume the NBB is \$0.50 and the NBO is \$0.53. There is no resting interest on the EDGA Book.

	Bid	Offer
National best .....	\$0.50	\$0.53

• Next, assume the Exchange received an incoming displayed offer (Order 1) to sell 100 shares at \$0.50. Order 1 is eligible for Display-Price Sliding pursuant to Rule 11.6(l).<sup>21</sup> Pursuant to Rule 11.6(l), Order 1 is temporarily slid to a displayed price of \$0.5001 as it locked the NBB upon entry.<sup>22</sup> Even though Order 1 is now temporarily displayed at a price of \$0.5001, Order 1's ranked price remains \$0.50, as \$0.50 is the locking price.<sup>23</sup>

• Next, assume the Exchange received an incoming bid containing a Post Only instruction (Order 2) to buy 100 shares at \$0.50. The Exchange's economic best interest calculation determined that it was more beneficial for Order 2 to post to the EDGA Book and display at a price of \$0.50. Orders containing a Post Only instruction are permitted to post and be displayed opposite the ranked price of orders subject to Display-Price Sliding.<sup>24</sup> The result would be depicted as follows:

	Bid	Offer
National best .....	\$0.50	\$0.5001
EDGA best .....	0.50	0.5001

• The Exchange then receives an IOC<sup>25</sup> order to buy (Order 3) 100 shares at \$0.5001. Order 3 executes against Order 1 in its entirety at a price of \$0.5001.

Consistent with the Exchange's rule regarding priority of orders, Rule 11.9, a Non-Displayed Order cannot be executed by the Exchange pursuant to Rule 11.10 when such order would be executed at the locking price. Specifically, if an incoming, marketable order was allowed to execute against the resting, non-displayed portion of Order 1 at the locking price, such order would receive a priority advantage over Order 2, a resting, displayed order at the locking price. The EDGA Order Handling Filing granted the Exchange the ability to execute Non-Displayed Orders and orders subject to NMS Price Sliding<sup>26</sup> priced at or above \$1.00 at one-half minimum price variation more (less) than the locking price in the event that a bid (offer) submitted to the Exchange opposite such Resting Order is a market order or limit order priced more aggressive than the locking price.

In the example above, Order 1, ranked at \$0.50 upon entry, was slid to a displayed price of \$0.5001 pursuant to Rule 11.6(l)(1)(B)(i) as it locked the NBB. Upon the arrival of Order 2, which is an order containing a Post Only instruction that is permitted to post to the EDGA Book and display opposite of Order 1,<sup>27</sup> the Exchange's current priority rule prohibits Order 1 from executing at a price of \$0.50 in the event a subsequent contra-side incoming order is entered at a more aggressive price than the locking price. In the example above, Order 3 was entered at a more aggressive price (\$0.5001) than the

<sup>25</sup> See Rule 11.6(q)(1). "IOC" is an instruction the User may attach to an order stating the order is to be executed in whole or in part as soon as such order is received. The portion not executed immediately on the Exchange or another trading center is treated as cancelled and is not posted to the EDGA Book.

<sup>26</sup> Orders subject to NMS price sliding ("Display-Price Sliding") that are temporarily slid to one minimum price variation above (below) the NBO (NBB) will consist of a non-displayed ranked price that is equal to the locking price while simultaneously showing a displayed price that is one minimum price variation above (below) the NBO (NBB). Given that orders subject to Display-Price Sliding contain a non-displayed ranked price in addition to the order's displayed price, the particular priority issue identified in the Resting Order Execution Filing with regard to Non-Displayed Orders is also present when an order subject to Display-Price Sliding is resting on the book opposite a displayed order.

<sup>27</sup> *Supra* note 21.

<sup>16</sup> See Rule 11.10(a)(4)(D).

<sup>17</sup> See Resting Order Execution Filing footnote 8.

<sup>18</sup> See Rule 11.8(a). A "Market Order" is an order to buy or sell a stated amount of a security that is to be executed at the NBBO or better when the order reaches the Exchange.

<sup>19</sup> See Rule 11.8(b). A "Limit Order" is an order to buy or sell a stated amount of a security at a specified price or better.

<sup>20</sup> See Rule 1.5(cc). The term "System" shall mean the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranked, executions and, when applicable, routing away.

<sup>21</sup> See Rule 11.6(l)(1)(B)(i). An order instruction requiring that where an order would be a Locking Quotation or Crossing Quotation of an external market if displayed by the System on the EDGA Book at the time of entry, will be ranked at the Locking Price in the EDGA Book and displayed by the System at one Minimum Price Variation lower (higher) than the Locking Price for orders to buy (sell) ("Display-Price Sliding").

<sup>22</sup> The Exchange notes that the reference to "temporarily" is meant to convey that for so long as the NBB is locked, Order 1 will be displayed at a price of \$0.5001 pursuant to Rule 11.6(l)(1)(B)(i). In the event that the NBB moves so that Order 1 is no longer locking the NBB, Order 1 will be displayed at the most aggressive permissible price. See also Rule 11.6(l)(1)(B)(ii).

<sup>23</sup> *Id.*

<sup>24</sup> See Rule 11.6(l)(1)(B)(v).



locking price (\$0.50). Without the proposed changes to Rule 11.10(a)(4)(D), Order 3 would be cancelled upon entry at is cannot execute at a price of \$0.50 due to Order 2's higher priority status.

As discussed above, the Exchange is proposing that a Resting Order priced below \$1.00 be permitted to execute at one minimum price variation above the locking price (in the event of a Resting Order offer) or one minimum price variation below the locking price (in the event of a Resting Order bid) in the event that an order submitted to the Exchange on the side opposite such Resting Order is a market or limit order priced more aggressively than the locking price.<sup>28</sup> This behavior is substantially similar to the order handling functionality described in the EDGA Order Handling Filing, with one difference being that securities priced below \$1.00 will execute at one full minimum price variation above (below) the locking price for offers (bids) rather than one-half minimum price variation above (below) the locking price for offers (bids) in securities priced at or above \$1.00. While the example above shows a scenario in which only the Resting Order will receive \$0.0001 of price improvement, rather than each side of the transaction as is the case in the scenarios described in the EDGA Order Handling Filing, the Exchange notes that if Order 3 in the example above was entered at any price more aggressive than \$0.5001, Order 3 would continue to execute at a price of \$0.5001 and Order 3 would receive price improvement equal to the difference between its limit price and \$0.5001.<sup>29</sup>

The EDGA Order Handling Filing specifically introduced order handling behavior that would permit Resting Orders to be executed at one-half minimum price variation above (below) the locking price when an incoming, marketable offer (bid) would otherwise be prevented from executing due to the presence of an order containing a Post Only instruction in order to optimize available liquidity for incoming orders

and to provide price improvement for market participants.<sup>30</sup> This change to order handling behavior was required because, if incoming orders were allowed to execute against Resting Orders at the locking price, such incoming order would receive a priority advantage over the resting, displayed order at the locking price, contrary to the Exchange's priority rule, Rule 11.9.<sup>31</sup> The Exchange recognizes that the order handling behavior for securities priced at or above \$1.00 described in the EDGA Order Handling Filing results in price improvement for both sides of an affected transaction and the Exchange's proposed order handling change will result in \$0.0001 of price improvement only for the Resting Order, however this situation is limited to instances where the incoming order is entered at a price equal to the displayed price of the Resting Order. While only the Resting Order will receive \$0.0001 of price improvement when an incoming order is entered at a price equal to the Resting Order's displayed price, the Exchange believes the incoming order is receiving the benefit of immediate execution rather than cancelling back or posting to the EDGA Book (depending on User instruction), which will result in higher overall market quality and likelihood of execution on EDGA for Users. In situations where the incoming order is entered at a more aggressive price than the displayed price of the Resting Order, however, each side of the transaction will be receiving at least \$0.0001 of price improvement.

Without the proposed order handling change for securities priced below \$1.00, a Resting Order may be priced at the very inside of the market at a price below \$1.00 but temporarily unable to execute at its full limit price due to the Exchange's priority rule and current order handling procedures. The Exchange notes that by permitting a User's Resting Order to rest at a locking price opposite a displayed order and receive an execution against an incoming order that is priced equal to or more aggressively than the displayed price, the Exchange is incentivizing Users to post aggressively priced liquidity on both sides of the market, rather than discouraging such liquidity by leaving orders unexecuted. In addition, if the EDGA Book changes so that such orders are no longer resting or ranked opposite a displayed order, then such orders will again be executable at their full limit price, and in the case of

price slid orders, will be displayed at that limit price.

The Exchange is proposing a solution to address specific conditions that are present on the EDGA Book when an order containing a Post Only instruction is displayed opposite the ranked price of orders subject to display-price sliding. The Exchange believes that such specific circumstances, without modification of Rule 11.10(a)(4), would be present upon the expansion of Post Only instruction functionality to securities priced below \$1.00 and would result in Users receiving fewer executions than the Exchange could otherwise facilitate. The Exchange believes the proposed change to Rule 11.10(a)(4)(D) is substantially similar to the order handling modification proposed and ultimately approved by the EDGA Order Handling Filing and does not introduce any novel order handling behavior that has not previously been proposed. While the Exchange is proposing to use a full minimum price variation rather than the one-half minimum price variation currently used for securities priced at or above \$1.00 as detailed in the EDGA Order Handling Filing, the minimum price variation proposed for securities priced below \$1.00 is commensurate with the standard minimum pricing increment for securities priced below \$1.00.

The Exchange believes the absence of price improvement for the incoming order is diminished by the incoming order's ability to receive an execution on the Exchange against the Resting Order, rather than receive a cancellation or be posted to the EDGA Book (depending on User instruction). Further, the Exchange believes that Users who received increased execution rates on EDGA will be more likely to submit additional order flow to the Exchange. Additional increased order flow benefits all market participants by contributing to a deeper, more liquid market and provides even more execution opportunities for active market participants. Additionally, this difference is necessary due to System limitations that do not support executions out to five decimal places (\$0.00001) in securities priced below \$1.00, which would occur should the Exchange utilize the same minimum price variation described in the EDGA Order Handling Filing. The proposal to amend Rule 11.10(a)(4)(D) is limited to certain circumstances that occur as a result of the presence of an order containing a Post Only instruction resting opposite a Non-Displayed Order or order subject to Display-Price Sliding and is designed to optimize available

<sup>28</sup> See 17 CFR 242.612 ("Minimum pricing increment"). Given that the minimum pricing increment for securities priced below \$1.00 is \$0.0001, the Exchange believes that allowing orders to execute at one minimum price variation above (for offers) or below (for bids) the locking price is appropriate, as requiring executions to occur at one-half minimum price variation above (for offers) or below (for bids) the locking price, which is the current behavior for securities priced at or above \$1.00, would result in trades execution out to five decimal places, which is not supported by the System.

<sup>29</sup> For example, if all facts from Example 1 remain the same except that Order 3 is an IOC buy order entered with a limit price of \$0.5005, then Order 3 will execute against Order 1 at a price of \$0.5001 and receive \$0.0004 of price improvement.

<sup>30</sup> See Resting Order Execution Filing at 28831.

<sup>31</sup> *Id.*

liquidity for incoming orders. As previously discussed, the proposed changes to Rule 11.10(a)(4)(D) will only modify current order handling functionality should the Exchange modify its fee schedule such that Users entering orders containing a Post Only instruction in securities priced below \$1.00 receive an economic benefit for such order posting to the EDGA Book. The proposed change to Rule 11.10(a)(4)(D) is being proposed in order to keep the EDGA rulebook aligned with the rulebooks of the Exchange's affiliates. The Exchange also proposes to make a change to Rule 11.10(a)(4)(C) in order to correct a reference to subparagraph (d) in order to properly reflect subparagraph (D).

## 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>32</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>33</sup> requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>34</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As discussed above, the Exchange is proposing to expand the use of its Post Only instruction to securities priced below \$1.00.<sup>35</sup> In conjunction with expanding the ability to utilize a Post Only instruction at prices below \$1.00, the Exchange also proposes that a Resting Order priced below \$1.00 be permitted to execute at one minimum

price variation above the locking price (in the event of a Resting Order offer) or one minimum price variation below the locking price (in the event of a Resting Order bid) in the event that an order submitted to the Exchange on the side opposite such Resting Order is a market or limit order priced more aggressively than the locking price. This change in order handling behavior is necessary in order to address specific conditions that are present on the EDGA Book when an order containing a Post Only instruction is displayed opposite the ranked price of orders subject to display-price sliding. The Exchange notes, however, that as the economic best interest calculation will not result in an economic benefit for Users utilizing the Post Only instruction for securities priced below \$1.00, orders containing a Post Only instruction will continue to remove liquidity from EDGA and the proposed changes are simply being made to align the EDGA rulebook with the rulebooks of its affiliate exchanges. As discussed below, the Exchange believes its proposal is consistent with Section 6(b)(5) of the Act.

In particular, the proposal to amend Rule 11.6(n)(4) to permit orders priced below \$1.00 to utilize a Post Only instruction promotes just and equitable principles of trade and removes impediments to, and perfects the mechanism of a free and open market and a national market system because it will allow Users to enter orders with a Post Only instruction at any price, rather than being limited to securities priced above \$1.00, should the Exchange amend its fee schedule such that Users receive an economic benefit for having an order containing a Post Only instruction that posts to the EDGA Book. The growth in trading of sub-dollar securities has expanded significantly since 2019 and as such, the Exchange believes that orders at all prices, not only securities priced above \$1.00, should be permitted to utilize a Post Only instruction. A Post Only instruction allows Users to post aggressively priced liquidity, and such Users have certainty as to the fee or rebate they will receive from the Exchange if their order is executed. Without such ability, the Exchange believes that certain Users would simply post less aggressively priced liquidity, and prices available for market participants, including retail investors, would deteriorate. Accordingly, the Exchange believes that orders containing a Post Only instruction enhance the liquidity available to all market participants by allowing market makers and other

liquidity providers to add liquidity to the Exchange at or near the inside of the market, should the Exchange amend its fee schedule such that Users which submit orders containing a Post Only instruction receive an economic benefit when the order posts to the EDGA Book.

Allowing an order containing a Post Only instruction to be utilized at prices below \$1.00 in the future, should the Exchange choose to amend its fee schedule, will deepen the Exchange's pool of available liquidity in sub-dollar securities, which is a growing area of trading, particularly for retail investors. A deeper and more liquid market supports the quality of price discovery, promotes market transparency, and improves market quality for all investors. Indeed, such market participants have asked the Exchange to implement such functionality across the Exchange's affiliates in order to permit them to utilize a single trading strategy across securities at all prices and the Exchange is proposing to update its rulebook in order to maintain consistency with its affiliates, even as the Exchange's current fee structure does not result in the economic benefit necessary for orders containing a Post Only instruction to post to the EDGA Book. The Exchange does not believe that the proposed amendment to Rule 11.6(n)(4) is unfairly discriminatory as it will permit the Post Only instruction to be used by all Users at any price and the order instruction will no longer be limited to securities priced at or above \$1.00, should the Exchange amend its fee schedule such that Users will receive an economic benefit when an order containing a Post Only instruction posts to the EDGA Book.

Similarly, the proposal to amend Rule 11.10(a)(4)(D) to allow, under limited circumstances, a Resting Order priced below \$1.00 that would otherwise be non-executable due to the presence of an order containing a Post Only instruction to execute at one minimum price variation above (below) the locking price upon the receipt of an incoming, marketable offer (bid) that would otherwise be prohibited from executing due to the presence of an order containing a Post Only instruction promotes just and equitable principles of trade and removes impediments to, and perfects the mechanism of a free and open market and a national market system because it extends functionality currently available to orders priced at or above \$1.00 to orders priced below \$1.00, with a slight difference in the minimum price variation to account for the System's inability to display orders out to five decimal places (\$0.00001). The proposed amendment to Rule

<sup>32</sup> 15 U.S.C. 78f(b).

<sup>33</sup> 15 U.S.C. 78f(b)(5).

<sup>34</sup> *Id.*

<sup>35</sup> As stated previously, securities priced below \$1.00 will continue to remove liquidity from the EDGA Book, however this will be the result of the Exchange's economic best interest calculation and not language in the rule text that directs the Exchange to treat orders containing a Post Only instruction as liquidity-removing orders.

11.10(a)(4)(D) is substantially similar to the order handling behavior change that was proposed (and later approved) by the Resting Order Execution Filing on the Exchange's affiliate, BZX Exchange, and subsequently by the EDGA Order Handling Filing, and will only serve to improve execution quality for participants sending orders to the Exchange. The Exchange notes, however, that under the current fee schedule, orders containing a Post Only instruction will continue to remove liquidity rather than post to the EDGA Book, and as such, the proposed amendment to Rule 11.10(a)(4)(D) will not have any affect on order behavior unless the Exchange amends its fee schedule and orders containing a Post Only instruction are permitted to post to the EDGA Book.

The Exchange does not believe that the treatment of sub-dollar securities is unfairly discriminatory as the Exchange will be using the standard minimum pricing increment for sub-dollar securities in order to determine the price at which the Resting Order is eligible to execute.<sup>36</sup> While the Exchange recognizes that under its proposal for securities priced below \$1.00 results in a limited situation in which only the Resting Order will receive \$0.0001 of price improvement (*i.e.*, when an incoming order is entered at the same price as the displayed price of the Resting Order), the Exchange believes the incoming, contra-side order is receiving the benefit of immediate execution rather than cancelling or posting to the EDGA Book (depending on User instruction), which will result in higher overall market quality and likelihood of execution on EDGA for Users. In situations where the incoming order is entered at a more aggressive price than the displayed price of the Resting Order, however, each side of the transaction will be receiving at least \$0.0001 of price improvement, which is substantially similar to how the order handling functionality works for securities priced at or above \$1.00. The Exchange believes the proposed change to execute marketable orders that are currently not executed under specific scenarios will help provide price improvement to Resting Orders that, in these limited circumstances, otherwise would not receive an execution even though their order is priced at the inside of the market and would also provide increased execution opportunities to aggressively priced incoming orders rather than requiring these orders to be cancelled or post to the EDGA Book. Thus, the Exchange believes that its

proposed order handling process in the limited scenario where a Resting Order is ineligible to execute due to the presence of a contra-side order containing a Post Only instruction will benefit market participants and their customers by allowing them greater flexibility in their efforts to fill orders and minimize trading costs, should the Exchange amend its fee schedule such that Users will receive an economic benefit when an order containing a Post Only instruction posts to the EDGA Book.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change to Rule 11.6(n)(4) will apply equally to all Users in that all Users will be eligible to utilize the Post Only instruction for securities priced below \$1.00. Similarly, the proposed change to Rule 11.10(a)(4)(D) applies equally to all Users in that all Resting Orders will benefit from the proposed order handling behavior change that will execute Resting Orders at one minimum price variation above (below) the locking price upon the receipt of a marketable offer (bid) should a Resting Order be ineligible to execute due to the presence of a contra-side order containing a Post Only instruction. Further, the Exchange does not believe that Users submitting incoming, contra-side orders are burdened by virtue of not receiving price improvement in limited situations as they instead receive the benefit of an immediate execution as opposed to being cancelled back to the User or posting on the EDGA Book which results in increased overall market quality and a higher likelihood of execution on EDGA. The proposed changes are designed to align the Exchange rulebook with the rulebooks of its affiliate exchanges and provide the Exchange an opportunity to expand an existing Exchange order instruction and existing order handling behavior to securities priced below \$1.00 should the Exchange amend its fee schedule in the future due to the growth in sub-dollar trading that has been seen since 2019.

The Exchange similarly does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. In fact, the Exchange notes that other exchanges already offer the ability to submit an order that is not eligible for routing to away markets and posts to the relevant

exchange book at prices below \$1.00.<sup>37</sup> The Exchange believes its proposal to expand the use of the Post Only instruction to securities priced below \$1.00 will promote competition between the Exchange and other exchanges for volume in sub-dollar securities should the Exchange amend its fee schedule such that Users will receive an economic benefit when an order containing a Post Only instruction posts to the EDGA Book. Furthermore, the Exchange believes its proposal will promote competition between the Exchange and off-exchange trading venues, where a significant amount of sub-dollar trading occurs today.<sup>38</sup> The Exchange similarly believes that its proposal to grant it the ability to amend its order handling behavior in limited circumstances where a Resting Order cannot execute due to the presence of a contra-side order containing a Post Only instruction does not impose a burden on intermarket competition as the change is not designed to address any competitive issue, but rather to address order handling behavior in a substantially similar manner to how the Exchange treats Resting Orders priced at or above \$1.00 in the limited scenario where a Resting Order is ineligible to execute against an incoming, marketable order due to the presence of a contra-side order containing a Post Only instruction.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. by order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

<sup>37</sup> See Nasdaq Equity 4, Rule 4702(b)(4) ("Post-Only Order"). See also NYSE Rule 7.31(e)(2) ("ALO Order").

<sup>38</sup> See "Off-Exchange Trends: Beyond Sub-dollar Trading" (May 17, 2023). Available at <https://www.cboe.com/insights/posts/off-exchange-trends-beyond-sub-dollar-trading/>.

<sup>36</sup> *Supra* note 28.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-CboeEDGA-2024-003 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CboeEDGA-2024-003. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeEDGA-2024-003 and should be submitted on or before February 28, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>39</sup>

**Sherry R. Haywood,**  
*Assistant Secretary.*

[FR Doc. 2024-02414 Filed 2-6-24; 8:45 am]

**BILLING CODE 8011-01-P**

#### SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270-563, OMB Control No. 3235-0626]**

#### **Proposed Collection; Comment Request; Extension: Rule 17g-3**

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collection of information provided for in Rule 17g-3 (17 CFR 240.17g-3) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17g-3 contains certain reporting requirements for NRSROs. Specifically, NRSROs are required to file with the Commission, on an annual basis, financial reports containing specified financial statements, certain financial condition reports, and a report on the internal control structure. NRSROs are also required to furnish a report of the number of credit rating actions taken during the most recently completed fiscal year. Currently, there are 10 credit rating agencies registered as NRSROs with the Commission. Based on staff experience, the Commission estimates that the total burden for respondents to comply with Rule 17g-3 is 3,650 hours. In addition, the Commission estimates an industry-wide annual external cost to NRSROs of \$350,000 to comply with Rule 17g-3, reflecting costs to engage the services of independent public accountants and outside counsel.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to

enhance the quality, utility, and clarity of the information on respondents; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted by April 8, 2024.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Please direct your written comments to: Dave Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F St NE, Washington, DC 20549 or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: February 2, 2024.

**Sherry R. Haywood,**  
*Assistant Secretary.*

[FR Doc. 2024-02489 Filed 2-6-24; 8:45 am]

**BILLING CODE 8011-01-P**

#### SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34-99456; File No. SR-DTC-2023-013]**

#### **Self-Regulatory Organizations; The Depository Trust Company; Order Approving of Proposed Rule Change To Modify the DTC Settlement Service Guide**

February 1, 2024.

#### **I. Introduction**

On December 20, 2023, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") proposed rule change SR-DTC-2023-013 ("Proposed Rule Change") pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder.<sup>2</sup> The Proposed Rule Change was published for comment in the **Federal Register** on December 28, 2023.<sup>3</sup> The Commission has received no comments on the Proposed Rule Change. For the reasons discussed below, the Commission is approving the Proposed Rule Change.<sup>4</sup>

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 99234 (Dec. 22, 2023), 88 FR 89752 (Dec. 28, 2023) (File No. SR-DTC-2023-013) ("Notice of Filing").

<sup>4</sup> Capitalized terms not defined herein are defined in the Rules, By-Laws and Organization Certificate of DTC ("Rules") and the DTC Settlement Service Guide ("Settlement Guide"), available at <https://www.dtcc.com/legal/rules-and-procedures.aspx>.

<sup>39</sup> 17 CFR 200.30-3(a)(12).

## II. Background

DTC serves as a central securities depository providing, in part, custodial services for equity securities, which include the safekeeping, record keeping, book-entry transfer, and pledge of securities among its Participants.<sup>5</sup> DTC uses certain risk management controls, including its Collateral Monitor and Net Debit Cap, to protect the DTC settlement system in the event of a Participant default by ensuring that at any time the settlement obligation of any Participant will be fully collateralized and the amount due in settlement cannot exceed DTC liquidity resources.<sup>6</sup>

The Collateral Monitor<sup>7</sup> tracks whether each Participant has available sufficient collateral value to secure funding for a Participant's net settlement obligation, in the event of the Participant's default.<sup>8</sup> As such, the Collateral Monitor requires net debit settlement obligations to be fully collateralized as they accrue intraday, preventing the completion of transactions that would cause a Participant's Net Debit Balance<sup>9</sup> to exceed the value of the Collateral in the Participant's account.<sup>10</sup> DTC states that this ensures it will have sufficient Collateral to obtain funding for settlement if a Participant fails to pay for its settlement obligations.<sup>11</sup> The Collateral Monitor tracks the value of

Collateral supporting the settlement obligation of each Participant, where the collateral value of a security is the market price less the haircut amount determined by DTC.<sup>12</sup> Throughout the day, debits and credits to the Participant's securities and settlement accounts result in corresponding changes in its Collateral Monitor.<sup>13</sup> When processing a transaction, DTC verifies that the deliverers and receiver's Collateral Monitor will not become negative when the transaction is processed, and when under-collateralized, the transaction will remain in a pending status until the deficient account has sufficient collateral to allow for processing.<sup>14</sup>

The Net Debit Cap limits the Net Debit Balance that a Participant can incur, thus limiting any Participant's net debit settlement obligation to an amount that can be covered by DTC's liquidity resources at any point during DTC's processing day.<sup>15</sup> Likewise, the Aggregate Affiliated Family Net Debit Cap limits the sum of Net Debit Balances of an Affiliated Family of Participants, provided that the maximum Aggregate Affiliated Family Net Debit Cap not exceed the total available liquidity resources of DTC.<sup>16</sup> When a transaction would cause a Participant's Net Debit Balance to exceed its Net Debit Cap, it is not processed.<sup>17</sup> Instead, the transaction remains in a pending status until the Participant's Net Debit Balance is sufficiently reduced to allow processing. The Net Debit Balance may be reduced during the processing day by, among other things, receipt of a Delivery Versus Payment, which generates credits to the Participant's settlement account, or by a Settlement Progress Payment ("SPP"), which are funds that may be wired to DTC<sup>18</sup> for the

Participant to prevent its Net Debit Cap from blocking its receipt of securities.

According to DTC, its liquidity structure is designed to maintain sufficient financial resources to complete settlement each business day, even in the event of the failure to settle of a Participant, or Affiliated Family of Participants, with the largest settlement obligation.<sup>19</sup> DTC calculates its liquidity needs per Participant at a legal entity level, and further aggregates these amounts for an Affiliated Family based on the assumption that all such affiliates may fail simultaneously.<sup>20</sup> DTC states that its two key liquidity resources are: (i) Required Participants Fund Deposits across all Participants of \$1.15 billion, and (ii) a committed line of credit facility ("LOC") of \$1.9 billion, to which DTC may pledge Securities that are Collateral of the defaulting Participant in order to complete settlement.<sup>21</sup> Together, the Participants Fund and LOC provide DTC with \$3.05 billion in total liquidity resources.

As noted above, DTC sets both the maximum Net Debit Cap and the Aggregate Affiliated Family Net Debit Cap to an amount at or below DTC's liquidity resources.<sup>22</sup> Currently, the Net Debit Cap for an individual Participant is \$1.80 billion. The current Aggregate Affiliated Family Net Debit Cap is \$2.85 billion, which DTC states is below DTC's total available liquidity resources to account for the possibility that a defaulting Participant that is part of an Affiliated Family may be a lender to the LOC.<sup>23</sup>

## III. Description of the Proposed Rule Change

DTC proposes increasing the maximum Net Debit Cap from \$1.8 billion to \$2.15 billion. DTC states that Participants have requested that DTC raise the maximum Net Debit Cap to reduce transaction blockage and the need to make SPPs when reducing the Net Debit Balance during the processing day, allowing for less transactions in a

<sup>5</sup> See The Depository Trust Company, Disclosure Framework for Covered Clearing Agencies and Financial Market Infrastructures (Mar. 2023) ("Disclosure Framework"), available at [https://www.dtcc.com/-/media/Files/Downloads/legal/policy-and-compliance/DTC\\_Disclosure\\_Framework.pdf](https://www.dtcc.com/-/media/Files/Downloads/legal/policy-and-compliance/DTC_Disclosure_Framework.pdf).

<sup>6</sup> See *id.*

<sup>7</sup> The "Collateral Monitor" of a Participant refers to the algebraic sum of (i) the Net Credit or Debit Balance of the Participant and (ii) the aggregate Collateral Value of the Collateral of the Participant. See Rule 1 (definition of "Collateral Monitor"), *supra* note 4.

<sup>8</sup> See Disclosure Framework, *supra* note 5, at 54.

<sup>9</sup> The "Net Debit Balance" of a Participant is the amount by which the Gross Debit Balance of the Participant exceeds its Gross Credit Balance. See Rule 1 (definition of "Net Debit Balance"), *supra* note 4. The "Gross Debit Balance" of a Participant refers to the aggregate amount of money DTC debits or charges to all the Accounts in all the Account Families of the Participant without accounting for any amount of money credited thereto. *Id.* (definition of "Gross Debit Balance"). The "Gross Credit Balance" of a Participant refers to the aggregate amount of money DTC credits to all the Accounts in all the Account Families of the Participant without accounting for any amount of money debited or charged thereto. *Id.* (definition of "Gross Credit Balance").

<sup>10</sup> The "Collateral" of a Participant refers to the sum of (i) the Actual Participants Fund Deposit of the Participant, (ii) the Actual Preferred Stock Investment of a Participant, (iii) all Net Additions of the Participant and (iv) any SPP wired by the Participant to the Corporation. See *id.* (definition of "Collateral"); *infra* note 18.

<sup>11</sup> See Notice of Filing, *supra* note 3, at 89752.

<sup>12</sup> See Disclosure Framework, *supra* note 5, at 53.

<sup>13</sup> See *id.* at 54.

<sup>14</sup> See *id.*

<sup>15</sup> See Settlement Guide, *supra* note 4, at 6; definition of Net Debit Balance, *supra* note 9.

<sup>16</sup> "Affiliated Family" means each Participant that controls or is controlled by another Participant and each Participant that is under the common control of any Person, control meaning the direct or indirect ownership of more than 50% of the voting securities or other voting interests of any Person. See Rule 1 (definition of "Affiliated Family"), *supra* note 4. The "Aggregate Affiliated Family Net Debit Cap" means the sum of the Net Debit Caps for the Participants that are part of an Affiliated Family in the manner specified in the Procedures. *Id.* (definition of "Aggregate Affiliated Family Net Debit Cap").

<sup>17</sup> See Settlement Guide, *supra* note 4, at 62, 73–74.

<sup>18</sup> A SPP is Collateral that increases a Participant's Collateral Monitor, but also reduces a Participant's Net Debit Balance. See *id.* at 73.

<sup>19</sup> See Notice of Filing, *supra* note 3, at 89752.

<sup>20</sup> *Id.* at 89754.

<sup>21</sup> See Settlement Guide, *supra* note 4, at 74.

<sup>22</sup> To determine a Participant's Net Debit Cap, DTC records the Participant's three highest intraday net debit peaks over a rolling 70-Business Day period. The Participant's average of these net debit peaks is calculated and multiplied by a factor to determine the Participant's Net Debit Cap, but not to exceed \$1.80 billion. See *id.* at 73. DTC increased the maximum Net Debit Cap for a Participant to \$1.80 billion from \$1.5 billion in 2001, to reduce processing blockages relating to increased trading volumes and settlement values, with this increase facilitated by a coinciding increase to DTC's liquidity resources. See Securities Exchange Act Release No. 44509 (July 3, 2001), 66 FR 36350 (July 11, 2001) (File No. SR-DTC-2001-09).

<sup>23</sup> See Notice of Filing, *supra* note 3, at 89753.

pending status because Participants may maintain a higher Net Debit Balance.<sup>24</sup> Specifically, DTC proposes revising two references to the existing \$1.80 billion Net Debit Cap for an individual Participant in the Settlement Guide to reflect the proposed \$2.15 billion Net Debit Cap. DTC is not proposing a change to the current maximum Aggregate Affiliated Family Net Debit Cap of \$2.85 billion.

DTC states that the proposed increase better aligns the maximum Net Debit Cap for an individual Participant with DTC's available liquidity resources.<sup>25</sup> According to DTC, the proposed increase of \$350 million to the Net Debit Cap is supported by qualifying liquid resources from the \$450 million Core Fund to which all Participants contribute,<sup>26</sup> and the \$1.90 billion LOC, collectively providing \$2.35 billion in liquidity resources.<sup>27</sup> DTC states that this \$200 million buffer between the \$2.35 billion in liquidity resources and the proposed \$2.15 billion Net Debit Cap accounts for the possibility that a defaulted Participant may also be a lender to the LOC.<sup>28</sup>

DTC conducted an impact study for the period January 3, 2022, through December 30, 2022 ("Impact Study").<sup>29</sup> The Impact Study determined the liquidity needs across legal entities by looking at Participants reaching 90% of the current \$1.80 billion maximum Net Debit Cap, identifying the transactions pending under Net Debit Cap limits, and any incoming SPPs. The Impact Study shows that a number of Participants currently capped at the \$1.80 billion Net

Debit Cap would realize an immediate benefit from the proposed Net Debit Cap increase since the increase would enable more transactions to process without the need for a Participant to wait to reduce its intraday Net Debit Balance through Delivery Versus Payment credits or SPPs, therefore improving transaction processing.

#### IV. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act<sup>30</sup> directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and rules and regulations thereunder applicable to such organization. After careful review of the Proposed Rule Change, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to DTC. In particular, the Commission finds that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Act<sup>31</sup> and Rule 17Ad-22(e)(7)(i) thereunder.<sup>32</sup>

##### A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires that the rules of a clearing agency, such as DTC, be designed to, among other things, promote the prompt and accurate clearance and settlement of securities transactions.<sup>33</sup> The Commission believes that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Act for the reasons stated below.

As discussed in Part II, DTC uses the Net Debit Cap as a risk management control to protect the DTC settlement system in the event of a Participant default, by limiting the settlement net debit any Participant can incur at any point during the processing day to an amount below DTC's liquidity resources. This ensures that DTC maintains sufficient financial resources to complete settlement in the event of a failure to settle by the largest Participant or Affiliated Family of Participants.

Because DTC does not process transactions that would result in a Participant exceeding its Net Debit Cap and these remain as pending until the Participant's Net Debit Balance is reduced to where it would no longer exceed it, increasing the Net Debit Cap would allow more transactions to

process without the need for a Participant to wait for a reduction of its intraday Net Debit Balance. The Commission has reviewed and analyzed the filing materials, including the Impact Study, and agrees that there are a number of Participants that would immediately benefit from the proposed increase by seeing less of its transactions pend because the Participant may maintain a higher Net Debit Cap.

As discussed in Parts II and III, the proposed Net Debit Cap increase would continue to be supported by sufficient DTC qualifying liquid resources, since the proposed increase to a \$2.15 billion Net Debit Cap continues to be below the \$2.35 billion in liquidity resources that the \$450 million Core Fund and the \$1.90 billion LOC collectively provide. Because the increase in Net Debit Cap should improve transaction processing while still being covered by DTC liquidity resources in the event of default, the Commission finds that the Proposed Rule Change should enhance DTC's ability to provide prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act.

##### B. Consistency With Rule 17Ad-22(e)(7)(i)

Rule 17Ad-22(e)(7)(i) requires that, among other things, DTC establish, implement, maintain and enforce written policies and procedures reasonably designed to, as applicable, effectively measure, monitor, and manage the liquidity risk that arises in or is borne by the covered clearing agency, including measuring, monitoring, and managing its settlement and funding flows on an ongoing and timely basis, and its use of intraday liquidity by maintaining sufficient liquid resources at the minimum in all relevant currencies to effect same-day, and, where appropriate, intraday and multiday settlement of payment obligations with a high degree of confidence under a wide range of foreseeable stress scenarios, that includes, but is not limited to, the default of the participant family that would generate the largest aggregate payment obligation for DTC in extreme but plausible market conditions.<sup>34</sup>

As discussed in Part II, DTC monitors settlement flows and net debit obligations daily, and employs the Net Debit Cap, among other tools, to allow it to regularly test the sufficiency of liquid resources on an intraday and end-of-day basis and adjust to stressed circumstances during a settlement day

<sup>24</sup> See *id.*

<sup>25</sup> See *id.*

<sup>26</sup> The aggregate Participants Fund includes four component amounts: the "Core Fund," the "Base Fund," the "Incremental Fund," and the "Liquidity Fund." The Core Fund, set by DTC at an aggregate amount of \$450 million, is comprised of the Base Fund and the Incremental Fund. The Base Fund is the sum of minimum deposits by all Participants and equals the amount that is \$7,500 times the number of Participants, at any time. The Incremental Fund is the balance of the Core Fund up to \$450 million; this is the amount that must be ratably allocated among Participants that are required to pay more than a minimum deposit, as described in the Settlement Guide. The Liquidity Fund component (set at \$700 million) applies to Participants whose Affiliated Families have Net Debit Caps that exceed \$2.15 billion. See Settlement Guide, *supra* note 4, at 53–56.

<sup>27</sup> See Notice of Filing, *supra* note 3, at 89752. DTC states that the Liquidity Fund is not included because that amount only applies to Participants whose Affiliated Families have Net Debit Caps that exceed \$2.15 billion. *Id.* at n.19.

<sup>28</sup> See *id.* at 89753. DTC explains that the \$200 million buffer is an amount greater than the contribution of any lender to the DTC LOC. *Id.* at n.20.

<sup>29</sup> As part of the Proposed Rule Change, DTC filed, as Exhibit 3, the Impact Study. Pursuant to 17 CFR 240.24b-2, DTC requested confidential treatment of Exhibit 3.

<sup>30</sup> 15 U.S.C. 78s(b)(2)(C).

<sup>31</sup> 15 U.S.C. 78q-1(b)(3)(F).

<sup>32</sup> 17 CFR 240.17Ad-22(e)(7)(i).

<sup>33</sup> 15 U.S.C. 78q-1(b)(3)(F).

<sup>34</sup> 17 CFR 240.17Ad-22(e)(7)(i).

to protect itself and Participants against liquidity exposure under normal and stressed market conditions. Specifically, the Net Debit Cap limits a Participant's net debit settlement obligation to an amount that can be satisfied with DTC liquidity resources at any point during DTC's processing day. As discussed in Part III, the proposed increase in Net Debit Cap from \$1.80 billion to \$2.15 billion would continue to be below DTC's available qualifying liquid resources when considering the Core Fund and LOC collectively, and it would not otherwise alter the way DTC monitors settlement flows and net debit obligations. Additionally, as discussed in Part III, the proposed increase continues to provide a buffer between the liquidity resources and the proposed \$2.15 billion Net Debit Cap that accounts for the possibility that a defaulting Participant may also be a lender to the LOC. This should allow DTC to continue to have sufficient liquid resources even when the defaulting Participant is a lender to the LOC.

For the reasons above, the Commission finds that the Proposed Rule Change is consistent with Rule 17Ad-22(e)(7)(i) under the Act<sup>35</sup> because the proposed Net Debit Cap increase would allow DTC to continue to manage liquidity risks by maintaining sufficient liquid resources to settle its payment obligations under a wide range of foreseeable stress scenarios, including the default of the participant family that would generate the largest aggregate payment obligation for DTC in extreme but plausible market conditions.

## V. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Act, and in particular, with the requirements of Section 17A of the Act<sup>36</sup> and the rules and regulations promulgated thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act<sup>37</sup> that proposed rule change SR-DTC-2023-013, be, and hereby is, APPROVED.<sup>38</sup>

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>39</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2024-02420 Filed 2-6-24; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-99457; File No. SR-CboeEDGX-2024-010]

### Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Rules Regarding Early Termination of Complex Order Auctions

February 1, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 25, 2024, Cboe EDGX Exchange, Inc. (the "Exchange" or "EDGX") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder.<sup>4</sup> The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the "Exchange" or "EDGX Options") proposes to amend its rules regarding early termination of complex order auctions. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website ([http://markets.cboe.com/us/options/regulation/rule\\_filings/edgx/](http://markets.cboe.com/us/options/regulation/rule_filings/edgx/)), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements

concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange proposes to amend certain of its rules regarding the early termination of complex order auctions. The Exchange offers several auction mechanisms for complex orders, including the Complex Order Auction ("COA"),<sup>5</sup> the Complex Automated Improvement Mechanism ("C-AIM"),<sup>6</sup> and the Complex Solicitation Auction Mechanism ("C-SAM").<sup>7</sup> The Rules regarding each of these complex order auction mechanisms contain provisions that describe what events may cause the applicable auction to terminate prior to the end of the auction timer.<sup>8</sup> These provisions generally correspond to the pricing requirements to begin an auction. Terminating the auction if one of these events occurs ensures that the auction will not continue if the market changes in a manner that would create a situation in which the auction would not have been permitted to begin.

##### COA

COA is a single-sided auction in which an eligible order will be exposed for price improvement. Specifically, upon receipt of a COA-eligible order,<sup>9</sup> the System sends a COA auction message to subscribers of data feeds that deliver COA auction messages, which message identifies certain terms of the COA-eligible order. To be COA-eligible, a buy (sell) order must, among other things, have a price equal to or higher (lower) than the synthetic best offer (bid) ("SBO (SBB)"), provided that if any of the bids or offers on the simple book that comprise the SBB (SBO) is represented by a Priority Customer order,<sup>10</sup> the price must be at least \$0.01

<sup>5</sup> See Rule 21.20(d).

<sup>6</sup> See Rule 21.22.

<sup>7</sup> See Rule 21.23.

<sup>8</sup> See Rules 21.20(d)(3), 21.22(d)(1), and 21.23(d)(1).

<sup>9</sup> See Rule 21.20(b) (definition of COA-eligible order).

<sup>10</sup> A "Priority Customer" means a person or entity that is not: (a) a broker or dealer in securities or (b) a Professional. A "Public Customer" means a

<sup>35</sup> *Id.*

<sup>36</sup> 15 U.S.C. 78q-1.

<sup>37</sup> 15 U.S.C. 78s(b)(2).

<sup>38</sup> In approving the Proposed Rule Change, the Commission considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>39</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).



higher (lower) than the SBB (SBO).<sup>11</sup> Corresponding to this requirement, current Rule 21.20(d)(3)(B) and (C) provide, respectively, that a COA will terminate prior to the end of the COA auction timer:

- when the System receives an order in a leg of the complex order that would improve the SBBO on the same side as the COA-eligible order that initiated the COA to a price equal to or better than the COA price, in which case the System terminates the COA and processes the COA-eligible order pursuant to subparagraph (5) below, posts the new order in the simple book, and updates the SBBO; or

- if the System receives a Priority Customer Order that would join or improve the SBBO on the same side as the COA in progress to a price equal to or better than the COA price, in which case the System terminates the COA and processes the COA-eligible order pursuant to subparagraph (5) below, posts the new order in the simple book, and updates the SBBO.

The Exchange proposes to amend Rule 21.20(d)(3)(B) and (C) to provide that any incoming order may cause the SBBO to change in a manner that causes a COA auction to terminate early. Specifically, the proposed rule change amends these subparagraphs (B) and (C) to provide as follows:

- when the System receives an order in a leg of the complex order that would improve the SBBO on the same side as the COA-eligible order that initiated the COA to a price better than the COA price, in which case the System terminates the COA and processes the COA-eligible order pursuant to Rule 21.20(d)(5), posts the new order to the Simple Book, and updates the SBBO; or

- if the System receives an order in a leg of the complex order that would join or improve the SBBO on the same side as the COA-eligible order that initiated the COA to a price equal to the COA price and cause any component of the SBBO to be represented by a Priority Customer, in which case the System terminates the COA and processes the COA-eligible order pursuant to Rule 21.20(d)(5), posts the new order to the Simple Book, and updates the SBBO.

Pursuant to the proposed change to subparagraph (B), a COA will continue

to terminate early if the Exchange receives any simple order (Priority or non-Priority Customer) that would cause the SBBO to be better than the auction price (as covered by current subparagraphs (B) and (C)). Pursuant to the proposed change to subparagraph (C), a COA will terminate early if the Exchange receives any simple order (not just a Priority Customer order as set forth in current subparagraph (C)) that would cause the SBBO to be equal to the auction price and have the best bid or offer (“BBO”) of a leg represented by a Priority Customer order.

#### C- AIM and C- SAM

C- AIM permits a Member to submit for execution a complex order it represents as agent (“Agency Order”) against principal or solicited interest (an “Initiating Order”) that stops the entire Agency Order at a price that satisfies specified criteria.<sup>12</sup> Similarly, C- SAM permits a Member to submit for execution an Agency Order against an Initiating Order (that, unlike for C- AIM, may only be solicited) that stops the entire Agency Order at a price that satisfies specified criteria.<sup>13</sup> With respect to both C- AIM and C- SAM, the stop price (also referred to in this rule filing as the auction price) for the buy (sell) Agency Order must, among other things:

- with respect to same-side simple orders, be (a) at least one minimum increment better than the SBB (SBO) if the applicable side of the BBO on any component of the complex strategy is represented by a Priority Customer order on the simple book; or (b) at or better than the SBB (SBO) if the applicable side of the BBO of each component of the complex strategy is represented by a non-Priority Customer order or quote on the simple book; and
- with respect to opposite-side simple orders, be (a) at least one minimum increment better than the SBO (SBB) if the BBO of any component of the complex strategy is represented by a Priority Customer order on the simple book; or (b) at or better than the SBO (SBB) if the BBO of each component of the complex strategy represents a non-

Priority Customer quote or order on the simple book.<sup>14</sup>

Corresponding to these requirements, current Rules 21.22(d)(1)(d), (e), and (f) and 21.23(d)(1)(d), (e), and (f)<sup>15</sup> provide that a C- AIM or C- SAM auction, respectively, will terminate prior to the end of the C- AIM or C- SAM, as applicable, auction timer:

- upon receipt by the System of an unrelated non-Priority Customer order or quote that would post to the simple book and cause the SBBO on the same side as the Agency Order to be better than the stop price;

- upon receipt by the System of an unrelated Priority Customer order in any component of the complex strategy that would post to the simple book and cause the SBBO on the same side as the Agency Order to be equal to or better than the stop price; or

- upon receipt by the System of a simple non-Priority Customer order that would cause the SBBO on the opposite side of the Agency Order to be better than the stop price, or a Priority Customer order that would cause the SBBO on the opposite side of the Agency Order to be equal to or better than the stop price.

The Exchange proposes to amend Rules 21.22(d)(1)(d), (e), and (f) ((D) and (E) as proposed) and 21.23(d)(1)(d), (e), and (f) ((D) and (E) as proposed) to provide that any incoming order may cause the SBBO to change in a manner that causes a C- AIM or C- SAM auction, respectively, to terminate early. Specifically, the proposed rule change amends these Rule provisions to state the following:

(D) upon receipt by the System of an unrelated order or quote that would post to the Simple Book and cause the SBBO on the same side as the Agency Order to be (i) better than the stop price, or (ii) equal to the stop price if any component of the SBBO is then represented by a Priority Customer;

(E) upon receipt by the System of an unrelated order that would post to the Simple Book and cause the SBBO on the opposite side of the Agency Order to be (i) better than the stop price, or (ii) equal to the stop price if any component of the SBBO is then represented by a Priority Customer;

Pursuant to the proposed subparagraph (D)(i) of each of Rules 21.22(d)(1) and 21.23(d)(1), a C- AIM or C- SAM will continue to terminate early if the Exchange receives any simple order (Priority or non-Priority Customer) that would cause the SBBO on the same

<sup>12</sup> See generally Rule 21.22; see also Rule 21.22(a) (C- AIM auction eligibility requirements) and (b) (C- AIM stop price requirements).

<sup>13</sup> See generally Rule 21.23; see also Rule 21.23(a) (C- SAM auction eligibility requirements) and (b) (C- SAM stop price requirements). The primary differences between C- AIM and C- SAM are that (a) the minimum size (as determined by the Exchange) of an order submitted into C- SAM cannot be smaller than 500 option contracts on the smallest leg, while the minimum size of a C- AIM order may not be smaller than one contract (compare Rules 21.22(a)(3) and 21.23(a)(3)) and (b) that execution of orders submitted into C- SAM are handled as all-or-none orders.

<sup>14</sup> See Rules 21.22(b)(1) and (3) and 21.23(b)(1) and (3).

<sup>15</sup> The proposed rule change capitalizes the lettering of the subparagraphs in Rules 21.22(d)(1) and 21.23(d)(1) to conform to the lettering used throughout the Rulebook.

person that is not a broker or dealer in securities, and a “Professional” means any person or entity that (a) is not a broker or dealer in securities and (b) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). See Rule 16.1 (definitions of Priority Customer, Public Customer, and Professional).

<sup>11</sup> See Rule 21.20(b) (definition of COA-eligible order).

side as the Agency Order to be better than the auction price (as covered by current subparagraphs (d) and (e)). Additionally, pursuant to the proposed subparagraph (D)(ii) of each of Rules 21.22(d)(1) and 21.23(d)(1), a C- AIM or C-SAM will terminate early if the Exchange receives any simple order (not just a Priority Customer order as set forth in current subparagraph (e)) that would cause the SBBO on the same side as the Agency Order to be equal to the auction price if any component of the SBBO is then represented by a Priority Customer order. Similarly, pursuant to proposed subparagraph (E)(i) of each of Rules 21.22(d)(1) and 21.23(d)(1), a C- AIM or C-SAM will continue to terminate early if the Exchange receives any simple order (Priority or non- Priority Customer) that would cause the SBBO on the opposite side of the Agency Order to be better than the auction price (as covered by current subparagraph (f)). Additionally, pursuant to proposed subparagraph (E)(ii) of each of Rules 21.22(d)(1) and 21.23(d)(1), a C- AIM or C-SAM will terminate early if the Exchange receives any simple order (not just a Priority Customer order as set forth in current subparagraph (f)) that would cause the SBBO on the opposite side of the Agency Order to be equal to the auction price if any component of the SBBO is then represented by a Priority Customer order.

#### Purpose of Proposed Rule Changes

One purpose of the COA, C- AIM, and C-SAM auction price requirements is to protect interest on the simple book, including Priority Customer interest, as execution of the auction or Agency order, as applicable, could not occur at a price outside the SBBO or at the same price as the SBBO if it includes simple Priority Customer interest on any leg. The purpose of early termination provisions corresponding to those auction price requirements is to terminate an auction if the market changes in a manner that would create a situation in which the auction would not have been permitted to begin. The current early termination provisions for COA provide that a COA will terminate early if the Exchange system receives (1) a simple order that would cause the SBBO on the same side as the auctioned order to be equal to or better than the auction price or (2) a simple Priority Customer order on the same side that would cause the SBBO on the same side as the auctioned order to be equal to or better than the auction price.<sup>16</sup> Similarly, the current early termination

provisions for C- AIM and C-SAM provide that a C- AIM or C-SAM auction will terminate early if the Exchange system receives (1) a simple non- Priority Customer order that would cause the SBBO on the same side as the auctioned order to be better than the auction price, (2) a simple Priority Customer order that would cause the SBBO on the same side as the auctioned order to be equal to or better than the auction price, or (3) a simple non- Priority Customer order that would cause the SBBO on the opposite side of the auctioned order to be better than the auction price. Ultimately, all of these provisions cover the scenarios in which the applicable auction would terminate early if the System receives any simple order that would cause the SBBO to be better than the auction price or a simple Priority Customer order that would cause the SBBO to equal the auction price. However, they do not cover the scenario in which the applicable auction would terminate early if the System receives a simple non- Priority Customer order that would cause the SBBO to equal the auction price and any component of the SBBO includes Priority Customer interest. The proposed changes to each of the COA, C- AIM, and C-SAM early termination provisions add this scenario. This situation addressed by the proposed changes could occur, for example, if there was a Priority Customer order representing the BBO of one leg of the component strategy at the beginning of the auction but the auction price was better than the SBBO (and thus the auction was able to begin), and an incoming order (Priority or non- Priority Customer) that arrives during the auction causes the SBBO to change such that the SBBO equals the auction price. The Exchange believes these proposed changes will further protect Priority Customer orders on the simple book by ensuring that no execution within COA, C- AIM, or C-SAM will occur at a price that equals the SBBO (on the applicable side) if the SBBO includes Priority Customer interest, regardless of what type of incoming order (Priority Customer or non- Priority Customer) updates the SBBO to equal the auction price.

#### 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange

and, in particular, the requirements of Section 6(b) of the Act.<sup>17</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>18</sup> requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>19</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and protect investors, because it will update scenarios that will cause complex auctions to terminate early in a manner that protects interest resting on the simple book, including Priority Customer interest. The proposed changes to each of the COA, C- AIM, and C-SAM early termination provisions add the scenario in which the applicable auction will terminate early if the Exchange receives a non- Priority Customer order that would cause the SBBO to be equal to the auction price and any component of the SBBO is represented by a Priority Customer order. These proposed changes will eliminate a current gap in current Rules, which contemplate only that an incoming Priority Customer order could cause the SBBO to improve to a price equal to the auction price. These proposed rule changes increase consistency among the auction price requirement and early termination provisions, thus removing impediments to a free and open market. As a result, the Exchange believes the proposed rule change will further protect Priority Customer orders on the simple book by ensuring that no execution within a COA, C- AIM, or C-SAM auction will occur at a price that equals the SBBO (on the applicable side) if any component of the SBBO is represented by a Priority Customer, regardless of what type of incoming order (Priority Customer or non- Priority Customer)

<sup>17</sup> 15 U.S.C. 78f(b).

<sup>18</sup> 15 U.S.C. 78f(b)(5).

<sup>19</sup> *Id.*

<sup>16</sup> See current Rule 21.20(d)(3)(B) and (C).

updates the SBBO, which ultimately protects investors and the public interest.

The Exchange believes the proposed nonsubstantive changes to capitalize the lettering of the subparagraphs in Rules 21.22(d)(1) and 21.23(d)(1) will benefit investors, as it will conform to the lettering used throughout the Rulebook and thus eliminate potential investor confusion.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, as the proposed changes will apply to all Members in the same manner. The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, as it relates solely to provisions regarding when complex auctions occurring on the Exchange may terminate early. The proposed rule changes are not intended to be competitive.

Additionally, the proposed nonsubstantive changes are not competitive and merely conform subparagraph lettering to the lettering used throughout the Rulebook.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>20</sup> and Rule 19b-4(f)(6) thereunder.<sup>21</sup> At any time

within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-CboeEDGX-2024-010 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-CboeEDGX-2024-010. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10

the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeEDGX-2024-010 and should be submitted on or before February 28, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>22</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2024-02415 Filed 2-6-24; 8:45 am]

**BILLING CODE 8011-01-P**

## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-99460; File No. SR-CboeBZX-2023-101]

### **Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To List and Trade Shares of the Pando Asset Spot Bitcoin Trust Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares**

February 1, 2024.

On December 5, 2023, Cboe BZX Exchange, Inc. ("BZX" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to list and trade shares of the Pando Asset Spot Bitcoin Trust under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares. The proposed rule change was published for comment in the **Federal Register** on December 22, 2023.<sup>3</sup>

Section 19(b)(2) of the Act<sup>4</sup> provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period

<sup>22</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 99197 (Dec. 18, 2023), 88 FR 88668. Comments on the proposed rule change are available at <https://www.sec.gov/comments/sr-cboebzx-2023-101/sr-cboebzx2023101.htm>.

<sup>4</sup> 15 U.S.C. 78s(b)(2).

<sup>20</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>21</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give

to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is February 5, 2024. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,<sup>5</sup> designates March 21, 2024, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-CboeBZX-2023-101).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>6</sup>

**Sherry R. Haywood,**  
Assistant Secretary.

[FR Doc. 2024-02416 Filed 2-6-24; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-99459; File No. SR-CboeEDGX-2024-007]

### Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend Rule 11.6(n)(4) and Rule 11.10(a)(4)(D) To Permit the Use of the Post Only Order Instruction at Prices Below \$1.00

February 1, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 19, 2024, Cboe EDGX Exchange, Inc. (the “Exchange” or “EDGX”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the

proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the “Exchange” or “EDGX”) proposes to amend Rule 11.6(n)(4) and Rule 11.10(a)(4)(D) to permit the use of the Post Only order instruction at prices below \$1.00. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange’s website ([http://markets.cboe.com/us/options/regulation/rule\\_filings/edgx/](http://markets.cboe.com/us/options/regulation/rule_filings/edgx/)), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

Trading in sub-dollar securities both on- and off-exchange has grown significantly since early 2019. An analysis of SIP<sup>3</sup> data by the Exchange found that sub-dollar average daily volume has increased over 300% as compared to volumes in the first quarter of 2019.<sup>4</sup> During this period, on-exchange average daily volume in sub-dollar securities grew from 442 million shares per day to 1.8 billion shares per day.<sup>5</sup> A separate analysis of SIP and FINRA Trade Reporting Facility (“TRF”)<sup>6</sup> data indicated that exchanges

represented approximately 39.8% market share in sub-dollar securities, with a total of 1,638 securities trading below \$1.00.<sup>7</sup> As an exchange group, Cboe had approximately 13.3% of market share in sub-dollar securities in the first quarter of 2023.<sup>8</sup> Additionally, an analysis of internal data showed that the Exchange has seen retail sub-dollar average daily volume grow from approximately \$40 million during the first quarter of 2022 to over \$100 million during the third quarter of 2023.

As a result of the growth in sub-dollar trading, the Exchange proposes to amend Rule 11.6(n)(4) in order to permit an order containing a Post Only instruction to post to the EDGX Book<sup>9</sup> at prices below \$1.00. As defined in Rule 11.6(n)(4), a Post Only instruction is “[a]n instruction that may be attached to an order that is to be ranked and executed on the Exchange pursuant to Rule 11.9 and Rule 11.10(a)(4) or cancelled, as appropriate, without routing away to another trading center except that the order will not remove liquidity from the EDGX Book . . .”. Accordingly, an order containing a Post Only instruction does not remove liquidity, but rather posts to the EDGX Book to the extent permissible. Additionally, the Exchange proposes to amend Rule 11.10(a)(4)(D) to describe the manner in which bids or offers priced below \$1.00 per share are executed against orders resting on the EDGX Book. The Exchange believes the proposed changes will provide Users<sup>10</sup> with an additional order type to utilize when submitting order flow to the Exchange in securities priced below \$1.00, thereby contributing to a deeper and more liquid market, which benefits all market participants and provides greater execution opportunities on the Exchange.

Currently, orders containing a Post Only instruction priced below \$1.00 are automatically treated as orders that remove liquidity.<sup>11</sup> In order to permit an

2022), 87 FR 80266 (December 29, 2022) (“Tick Size Proposal”) at 80315.

<sup>7</sup> *Supra* note 4.

<sup>8</sup> *Id.*

<sup>9</sup> See Rule 1.5(d). The EDGX Book means the System’s electronic file of orders.

<sup>10</sup> See Rule 1.5(ee). The term “User” shall mean any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.

<sup>11</sup> Orders containing a Post Only instruction in securities priced at or above \$1.00 remove contra-side liquidity only if the value of such execution when removing liquidity equals or exceeds the value of such execution if the order instead posted to the EDGX Book and subsequently provided liquidity. The Exchange does not propose to change the functionality of orders containing a Post Only instruction in securities priced at or above \$1.00.

<sup>5</sup> 15 U.S.C. 78s(b)(2).

<sup>6</sup> 17 CFR 200.30-3(a)(31).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> The “SIP” refers to the centralized securities information processors.

<sup>4</sup> See “How Subdollar Securities are Trading Now” (March 16, 2023). Available at <https://www.cboe.com/insights/posts/how-subdollar-securities-are-trading-now/>.

<sup>5</sup> *Id.*

<sup>6</sup> Trade Reporting Facilities are facilities through which FINRA members report off-exchange transactions in NMS stocks, as defined in SEC Rule 600(b)(47) of Regulation NMS. See Securities Exchange Act Release No. 96494 (December 14,

order containing a Post Only instruction to post to the EDGX Book at prices below \$1.00, the Exchange proposes to amend Rule 11.6(n)(4) to remove language that states that an order containing a Post Only instruction will remove contra-side liquidity from the EDGX Book if the order is an order to buy or sell a security “priced below \$1.00 . . .”. While the Exchange’s economic best interest calculation<sup>12</sup> will remain the same as is currently in place for securities priced at or above \$1.00, the impact of this proposal will modify the outcome of orders containing a Post Only instruction in securities priced below \$1.00 for Users who choose to utilize this particular order type. Under this proposal, orders containing a Post Only instruction priced below \$1.00 will only remove liquidity if the value of the overall execution (taking into account all applicable fees and rebates) make it economically beneficial for the order to remove liquidity. The Exchange has received User feedback requesting the ability to utilize orders with a Post Only instruction in securities priced below \$1.00 in order to allow Users to operate a single trading strategy for securities at all prices even though the execution cost economics for securities priced below \$1.00 may only provide a slight economic benefit for Users who choose to utilize orders with a Post Only instruction in securities priced below \$1.00.

In addition to the proposed amendment to Rule 11.6(n)(4), the Exchange proposes an amendment to its order handling procedures in order to permit Non-Displayed Orders<sup>13</sup> and orders subject to display-price sliding (collectively, “Resting Orders”) which are not executable at their most aggressive price due to the presence of a contra-side order containing a Post Only instruction to be executed at one minimum price variation less aggressive than the order’s most aggressive price.<sup>14</sup>

<sup>12</sup> The Exchange’s economic best interest calculation determines whether the value of price improvement associated with an order containing a Post Only instruction equals or exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the order posted to the EDGX Book and subsequently provided liquidity. The determination of whether an order containing a Post Only instruction will be allowed to post to the EDGX Book or be eligible to remove liquidity is based on the current fee schedule, the execution price, and the amount of price improvement received.

<sup>13</sup> See Rule 11.6(e)(2). A User may attach a “Non-Displayed Order” instruction to an order stating that the order is not to be displayed by the System on the EDGX Book.

<sup>14</sup> See Securities Exchange Act Release No. 75479 (July 17, 2015), 80 FR 43810 (July 23, 2015), SR-EDGX-2015-33 (“EDGX Order Handling Filing”).

Currently, similar order handling behavior applies only to securities priced at or above \$1.00.<sup>15</sup> When proposed in 2011, the Resting Order Execution Filing stated that the order handling functionality was not necessary for securities priced below \$1.00 as the Exchange did not have the ability to quote in sub-pennies and the system limitations that market participants may encounter if attempting to execute in increments finer than \$0.0001.<sup>16</sup> Given the rise in sub-dollar trading discussed above, the Exchange now proposes to expand the order handling functionality introduced by the Resting Order Execution Filing to securities priced below \$1.00.

Rule 11.10(a)(4)(D) states that for securities priced above \$1.00, incoming orders that are Market Orders<sup>17</sup> or Limit Orders<sup>18</sup> priced more aggressively than an order displayed on the EDGX Book, the Exchange will execute the incoming order at, in the case of an incoming sell order, one-half minimum price variation less than the price of the displayed order, and, in the case of an incoming buy order, at one-half minimum price variation more than the price of the displayed order. The Exchange proposes that for securities priced below \$1.00, incoming orders that are Market Orders or Limit Orders priced more aggressively than an order displayed on the EDGX Book, the Exchange will execute the incoming order at, in the case of an incoming sell order, one minimum price variation less than the price of the displayed order, and, in the case of an incoming buy order, at one minimum price variation more than the price of the displayed order. The different treatment of securities priced below \$1.00 from securities priced at or above \$1.00 arises from limitations

See also Securities Exchange Act Release No. 64475 (May 12, 2011), 76 FR 28830 (May 18, 2011), SR-BATS-2011-015 (“Resting Order Execution Filing”). The Resting Order Execution Filing introduced an order handling change for certain Non-Displayed Orders and orders subject to display-price sliding that are not executable at prices equal to displayed orders on the opposite side of the market (the “locking price”) on the Exchange’s affiliate, BZX (BATS) Exchange in 2011 and is incorporated by reference in the EDGX Order Handling Filing. The Resting Order Execution Filing permits Resting Orders priced at or above \$1.00 to be executed at one-half minimum price variation less aggressive than the locking price (for bids) and one-half minimum price variation more aggressive than the locking price (for offers), under certain circumstances.

<sup>15</sup> See Rule 11.10(a)(4)(D).

<sup>16</sup> See Resting Order Execution Filing footnote 8.

<sup>17</sup> See Rule 11.8(a). A “Market Order” is an order to buy or sell a stated amount of a security that is to be executed at the NBBO or better when the order reaches the Exchange.

<sup>18</sup> See Rule 11.8(b). A “Limit Order” is an order to buy or sell a stated amount of a security at a specified price or better.

within the System,<sup>19</sup> which cannot process executions out to five decimal places.

In order to demonstrate the proposed order handling behavior for securities priced below \$1.00, the Exchange has included the following example:

#### Example 1

- Assume the NBB is \$0.50 and the NBO is \$0.53. There is no resting interest on the EDGX Book.

	Bid		Offer
National best .....	\$0.50	×	\$0.53

- Next, assume the Exchange received an incoming displayed offer (Order 1) to sell 100 shares at \$0.50. Order 1 is eligible for display-price sliding pursuant to Rule 11.6(l).<sup>20</sup> Pursuant to Rule 11.6(l)(1)(B)(i), Order 1 is temporarily slid to a displayed price of \$0.5001 as it locked the NBB upon entry.<sup>21</sup> Even though Order 1 is now temporarily displayed at a price of \$0.5001, Order 1’s ranked price remains \$0.50, as \$0.50 is the locking price.<sup>22</sup>

- Next, assume the Exchange received an incoming bid containing a Post Only instruction (Order 2) to buy 100 shares at \$0.50. The Exchange’s economic best interest calculation determined that it was more beneficial for Order 2 to post to the EDGX Book and display at a price of \$0.50. Orders containing a Post Only instruction are permitted to post and be displayed opposite the ranked price of orders subject to Display-Price Sliding.<sup>23</sup> The result would be depicted as follows:

	Bid		Offer
National best .....	\$0.50	×	\$0.5001
EDGA best .....	0.50	×	0.5001

<sup>19</sup> See Rule 1.5(cc). The term “System” shall mean the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranked, executions and, when applicable, routing away.

<sup>20</sup> See Rule 11.6(l)(1)(B)(i). An order instruction requiring that where an order would be a Locking Quotation or Crossing Quotation of an external market if displayed by the System on the EDGX Book at the time of entry, will be ranked at the Locking Price in the EDGX Book and displayed by the System at one Minimum Price Variation lower (higher) than the Locking Price for orders to buy (sell) (“Display-Price Sliding”).

<sup>21</sup> The Exchange notes that the reference to “temporarily” is meant to convey that for so long as the NBB is locked, Order 1 will be displayed at a price of \$0.5001 pursuant to Rule 11.6(l)(1)(B)(i). In the event that the NBB moves so that Order 1 is no longer locking the NBB, Order 1 will be displayed at the most aggressive permissible price. See also Rule 11.6(l)(1)(B)(ii).

<sup>22</sup> Id.

<sup>23</sup> See Rule 11.6(l)(1)(B)(v).

- The Exchange then receives an IOC<sup>24</sup> order to buy (Order 3) 100 shares at \$0.5001. Order 3 executes against Order 1 in its entirety at a price of \$0.5001.

Consistent the Exchange's rule regarding priority of orders, Rule 11.9, a Non-Displayed Order cannot be executed by the Exchange pursuant to Rule 11.10 when such order would be executed at the locking price. Specifically, if an incoming, marketable order was allowed to execute against the resting, non-displayed portion of Order 1 at the locking price, such order would receive a priority advantage over Order 2, a resting, displayed order at the locking price. The EDGX Order Handling Filing granted the Exchange the ability to execute Non-Displayed Orders and orders subject to NMS Price Sliding<sup>25</sup> priced at or above \$1.00 at one-half minimum price variation more (less) than the locking price in the event that a bid (offer) submitted to the Exchange opposite such Resting Order is a market order or limit order priced more aggressive than the locking price.

In the example above, Order 1, ranked at \$0.50 upon entry, was slid to a displayed price of \$0.5001 pursuant to Rule 11.6(l)(1)(B)(i) as it locked the NBB. Upon the arrival of Order 2, which is an order containing a Post Only instruction that is permitted to post to the EDGX Book and display opposite of Order 1,<sup>26</sup> the Exchange's current priority rule prohibits Order 1 from executing at a price of \$0.50 in the event a subsequent contra-side incoming order is entered at a more aggressive price than the locking price. In the example above, Order 3 was entered at a more aggressive price (\$0.5001) than the locking price (\$0.50). Without the proposed changes to Rule 11.10(a)(4)(D), Order 3 would be cancelled upon entry

at it cannot execute at a price of \$0.50 due to Order 2's higher priority status.

As discussed above, the Exchange is proposing that a Resting Order priced below \$1.00 be permitted to execute at one minimum price variation above the locking price (in the event of a Resting Order offer) or one minimum price variation below the locking price (in the event of a Resting Order bid) in the event that an order submitted to the Exchange on the side opposite such Resting Order is a market or limit order priced more aggressively than the locking price.<sup>27</sup> This behavior is substantially similar to the order handling functionality described in the EDGX Order Handling Filing, with one difference being that securities priced below \$1.00 will execute at one full minimum price variation above (below) the locking price for offers (bids) rather than one-half minimum price variation above (below) the locking price for offers (bids) in securities priced at or above \$1.00. While the example above shows a scenario in which only the Resting Order will receive \$0.0001 of price improvement, rather than each side of the transaction as is the case in the scenarios described in the EDGX Order Handling Filing, the Exchange notes that if Order 3 in the example above was entered at any price more aggressive than \$0.5001, Order 3 would continue to execute against Order 1 at a price of \$0.5001 and Order 3 would receive price improvement equal to the difference between its limit price and \$0.5001.<sup>28</sup>

The EDGX Order Handling Filing specifically introduced order handling behavior that would permit Resting Orders to be executed at one-half minimum price variation above (below) the locking price when an incoming, marketable offer (bid) would otherwise be prevented from executing due to the presence of an order containing a Post Only instruction in order to optimize available liquidity for incoming orders and to provide price improvement for

market participants.<sup>29</sup> This change to order handling behavior was required because, if incoming orders were allowed to execute against Resting Orders at the locking price, such incoming order would receive a priority advantage over the resting, displayed order at the locking price, contrary to the Exchange's priority rule, Rule 11.9.<sup>30</sup> The Exchange recognizes that the order handling behavior for securities priced at or above \$1.00 described in the EDGX Order Handling Filing results in price improvement for both sides of an affected transaction and the Exchange's proposed order handling change will result in \$0.0001 of price improvement only for the Resting Order, however this situation is limited to instances where the incoming order is entered at a price equal to the displayed price of the Resting Order. While only the Resting Order will receive \$0.0001 of price improvement when an incoming order is entered at the Resting Order's displayed price, the Exchange believes the incoming order is receiving the benefit of immediate execution rather than cancelling back or posting to the EDGX Book (depending on User instruction), which will result in higher overall market quality and likelihood of execution on EDGX for Users. In situations where the incoming order is entered at a more aggressive price than the displayed price of the Resting Order, however, each side of the transaction will be receiving at least \$0.0001 of price improvement.

Without the proposed order handling change for securities priced below \$1.00, a Resting Order may be priced at the very inside of the market at a price below \$1.00 but temporarily unable to execute at its full limit price due to the Exchange's priority rule and current order handling procedures. The Exchange notes that by permitting a User's Resting Order to rest at a locking price opposite a displayed order and receive an execution against an incoming order that is priced equal to or more aggressively than the displayed price, the Exchange is incentivizing Users to post aggressively priced liquidity on both sides of the market, rather than discouraging such liquidity by leaving orders unexecuted. In addition, if the EDGX Book changes so that such orders are no longer resting or ranked opposite a displayed order, then such orders will again be executable at their full limit price, and in the case of price slid orders, will be displayed at that limit price.

<sup>24</sup> See Rule 11.6(q)(1). "IOC" is an instruction the User may attach to an order stating the order is to be executed in whole or in part as soon as such order is received. The portion not executed immediately on the Exchange or another trading center is treated as cancelled and is not posted to the EDGX Book.

<sup>25</sup> Orders subject to NMS price sliding ("Display-Price Sliding") that are temporarily slid to one minimum price variation above (below) the NBO (NBB) will consist of a non-displayed ranked price that is equal to the locking price while simultaneously showing a displayed price that is one minimum price variation above (below) the NBO (NBB). Given that orders subject to Display-Price Sliding contain a non-displayed ranked price in addition to the order's displayed price, the particular priority issue identified in the Resting Order Execution Filing with regard to Non-Displayed Orders is also present when an order subject to Display-Price Sliding is resting on the book opposite a displayed order.

<sup>26</sup> *Supra* note 20.

<sup>27</sup> See 17 CFR 242.612 ("Minimum pricing increment"). Given that the minimum pricing increment for securities priced below \$1.00 is \$0.0001, the Exchange believes that allowing orders to execute at one minimum price variation above (for offers) or below (for bids) the locking price is appropriate, as requiring executions to occur at one-half minimum price variation above (for offers) or below (for bids) the locking price, which is the current behavior for securities priced at or above \$1.00, would result in trades execution out to five decimal places, which is not supported by the System.

<sup>28</sup> For example, if all facts from Example 1 remain the same *except* that Order 3 is an IOC buy order entered with a limit price of \$0.5005, then Order 3 will execute against Order 1 at a price of \$0.5001 and receive \$0.0004 of price improvement.

<sup>29</sup> See Resting Order Execution Filing at 28831.

<sup>30</sup> *Id.*

The Exchange is proposing a solution to address specific conditions that are present on the EDGX Book when an order with a Post Only instruction is displayed opposite the ranked price of orders subject to display-price sliding. The Exchange believes that such specific circumstances, without modification of Rule 11.10(a)(4), would be present upon the expansion of Post Only instruction functionality to securities priced below \$1.00 and would result in Users receiving fewer executions than the Exchange could otherwise facilitate. The Exchange believes the proposed change to Rule 11.10(a)(4)(D) is substantially similar to the order handling modification proposed and ultimately approved by the EDGX Order Handling Filing and does not introduce any novel order handling behavior that has not previously been proposed. While the Exchange is proposing to use a full minimum price variation rather than the one-half minimum price variation currently used for securities priced at or above \$1.00 as detailed in the EDGX Order Handling Filing, the minimum price variation proposed for securities priced below \$1.00 is commensurate with the standard minimum pricing increment for securities priced below \$1.00.

The Exchange believes the absence of price improvement for the incoming order is diminished by the incoming order's ability to receive an execution on the Exchange against the Resting Order, rather than receive a cancellation or be posted to the EDGX Book (depending on User instruction). Further, the Exchange believes that Users who received increased execution rates on EDGX will be more likely to submit additional order flow to the Exchange. Additional increased order flow benefits all market participants by contributing to a deeper, more liquid market and provides even more execution opportunities for active market participants. Additionally, this difference is necessary due to System limitations that do not support executions out to five decimal places (\$0.00001) in securities priced below \$1.00, which would occur should the Exchange utilize the same minimum price variation described in the EDGX Order Handling Filing. The proposal to amend Rule 11.10(a)(4)(D) is limited to certain circumstances that occur as a result of the presence of an order containing a Post Only instruction resting opposite a Non-Displayed Order or order subject to Display-Price Sliding and is designed to optimize available liquidity for incoming orders.

## 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>31</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>32</sup> requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>33</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As discussed above, the Exchange is proposing to expand the use of its Post Only instruction to securities priced below \$1.00. In conjunction with expanding the ability to utilize a Post Only instruction at prices below \$1.00, the Exchange also proposes that a Resting Order priced below \$1.00 be permitted to execute at one minimum price variation above the locking price (in the event of a Resting Order offer) or one minimum price variation below the locking price (in the event of a Resting Order bid) in the event that an order submitted to the Exchange on the side opposite such Resting Order is a market or limit order priced more aggressively than the locking price. This change in order handling behavior is necessary in order to address specific conditions that are present on the EDGX Book when an order containing a Post Only instruction is displayed opposite the ranked price of orders subject to display-price sliding. As discussed below, the Exchange believes its proposal is consistent with Section 6(b)(5) of the Act.

In particular, the proposal to amend Rule 11.6(n)(4) to permit orders priced below \$1.00 to utilize a Post Only instruction promotes just and equitable principles of trade and removes impediments to, and perfects the mechanism of a free and open market

and a national market system because it will allow Users to enter orders with a Post Only instruction at any price, rather than being limited to securities priced above \$1.00. The growth in trading of sub-dollar securities has expanded significantly since 2019 and as such, the Exchange believes that orders at all prices, not only securities priced above \$1.00, should be permitted to utilize a Post Only instruction, which will permit orders to post on the Exchange without removing liquidity or routing to away to another trading center. A Post Only instruction allows Users to post aggressively priced liquidity, and such Users have certainty as to the fee or rebate they will receive from the Exchange if their order is executed. Without such ability, the Exchange believes that certain Users would simply post less aggressively priced liquidity, and prices available for market participants, including retail investors, would deteriorate. Accordingly, the Exchange believes that orders containing a Post Only instruction enhance the liquidity available to all market participants by allowing market makers and other liquidity providers to add liquidity to the Exchange at or near the inside of the market. Indeed, such market participants have asked the Exchange to implement such functionality in order to permit them to utilize a single trading strategy across securities at all prices. Allowing an order containing a Post Only instruction to be utilized at prices below \$1.00 will deepen the Exchange's pool of available liquidity in sub-dollar securities, which is a growing area of trading, particularly for retail investors. A deeper and more liquid market supports the quality of price discovery, promotes market transparency, and improves market quality for all investors. The Exchange does not believe that the proposed amendment to Rule 11.6(n)(4) is unfairly discriminatory as it will permit the Post Only instruction to be used by all Users at any price and the order instruction will no longer be limited to securities priced at or above \$1.00.

Similarly, the proposal to amend Rule 11.10(a)(4)(D) to allow, under limited circumstances, a Resting Order priced below \$1.00 that would otherwise be non-executable due to the presence of an order containing a Post Only instruction to execute at one minimum price variation above (below) the locking price upon the receipt of an incoming, marketable offer (bid) that would otherwise be prohibited from executing due to the presence of an order containing a Post Only instruction

<sup>31</sup> 15 U.S.C. 78f(b).

<sup>32</sup> 15 U.S.C. 78f(b)(5).

<sup>33</sup> *Id.*



promotes just and equitable principles of trade and removes impediments to, and perfects the mechanism of a free and open market and a national market system because it extends functionality currently available to orders priced at or above \$1.00 to orders priced below \$1.00, with a slight difference in the minimum price variation to account for the System's inability to display orders out to five decimal places (\$0.00001). The proposed amendment to Rule 11.10(a)(4)(D) is substantially similar to the order handling behavior change that was proposed (and later approved) by the Resting Order Execution Filing on the Exchange's affiliate, BZX Exchange, and subsequently by the EDGX Order Handling Filing, and will only serve to improve execution quality for participants sending orders to the Exchange.

The Exchange does not believe that the treatment of sub-dollar securities is unfairly discriminatory as the Exchange will be using the standard minimum pricing increment for sub-dollar securities in order to determine the price at which the Resting Order is eligible to execute.<sup>34</sup> While the Exchange recognizes that under its proposal for securities priced below \$1.00 results in a limited situation in which only the Resting Order will receive \$0.0001 of price improvement (i.e., when an incoming order is entered at the same price as the displayed price of the Resting Order), the Exchange believes the incoming, contra-side order is receiving the benefit of immediate execution rather than cancelling or posting to the EDGX Book (depending on User instruction), which will result in higher overall market quality and likelihood of execution on EDGX for Users. In situations where the incoming order is entered at a more aggressive price than the displayed price of the Resting Order, however, each side of the transaction will be receiving at least \$0.0001 of price improvement, which is substantially similar to how the order handling functionality works for securities priced at or above \$1.00. The Exchange believes the proposed change to execute marketable orders that are currently not executed under specific scenarios will help provide price improvement to Resting Orders that, in these limited circumstances, otherwise would not receive an execution even though their order is priced at the inside of the market and would also provide increased execution opportunities to aggressively priced incoming orders rather than requiring these orders to be cancelled or post to the EDGX Book.

Thus, the Exchange believes that its proposed order handling process in the limited scenario where a Resting Order is ineligible to execute due to the presence of a contra-side order containing a Post Only instruction will benefit market participants and their customers by allowing them greater flexibility in their efforts to fill orders and minimize trading costs.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change to Rule 11.6(n)(4) will apply equally to all Users in that all Users will be eligible to utilize the Post Only instruction for securities priced below \$1.00. Similarly, the proposed change to Rule 11.10(a)(4)(D) applies equally to all Users in that all Resting Orders will benefit from the proposed order handling behavior change that will execute Resting Orders at one minimum price variation above (below) the locking price upon the receipt of a marketable offer (bid) should a Resting Order be ineligible to execute due to the presence of a contra-side order containing a Post Only instruction. The proposed changes are designed to expand an existing Exchange order instruction and existing order handling behavior to securities priced below \$1.00 due to the growth in sub-dollar trading that has been seen since 2019. Further, the Exchange does not believe that Users submitting incoming, contra-side orders are burdened by virtue of not receiving price improvement in limited situations as they instead receive the benefit of an immediate execution as opposed to being cancelled back to the User or posting on the EDGX Book which results in increased overall market quality and a higher likelihood of execution on EDGX.

The Exchange similarly does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. In fact, the Exchange notes that other exchanges already offer the ability to submit an order that is not eligible for routing to away markets and posts to the relevant exchange book at prices below \$1.00.<sup>35</sup> The Exchange believes its proposal to expand the use of the Post Only instruction to securities priced below

\$1.00 will promote competition between the Exchange and other exchanges for volume in sub-dollar securities. Furthermore, the Exchange believes its proposal will promote competition between the Exchange and off-exchange trading venues, where a significant amount of sub-dollar trading occurs today.<sup>36</sup> The Exchange similarly believes that its proposal to amend its order handling behavior in limited circumstances where a Resting Order cannot execute due to the presence of a contra-side order containing a Post Only instruction does not impose a burden on intermarket competition as the change is not designed to address any competitive issue, but rather to address order handling behavior in a substantially similar manner to how the Exchange treats Resting Orders priced at or above \$1.00 in the limited scenario where a Resting Order is ineligible to execute against an incoming, marketable order due to the presence of a contra-side order containing a Post Only instruction.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

- A. by order approve or disapprove such proposed rule change, or
- B. institute proceedings to determine whether the proposed rule change should be disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

<sup>35</sup> See Nasdaq Equity 4, Rule 4702(b)(4) ("Post-Only Order"). See also NYSE Rule 7.31(e)(2) ("ALO Order").

<sup>36</sup> See "Off-Exchange Trends: Beyond Sub-dollar Trading" (May 17, 2023). Available at <https://www.cboe.com/insights/posts/off-exchange-trends-beyond-sub-dollar-trading/>.

<sup>34</sup> *Supra* note 27.

*Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-CboeEDGX-2024-007 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CboeEDGX-2024-007. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeEDGX-2024-007 and should be submitted on or before February 28, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>37</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2024-02421 Filed 2-6-24; 8:45 am]

**BILLING CODE 8011-01-P**

**DEPARTMENT OF STATE**

[Public Notice: 12320]

**Notice of Determinations; Culturally Significant Object Being Imported for Exhibition—Determinations: “New Worlds: Women to Watch 2024” Exhibition**

**SUMMARY:** Notice is hereby given of the following determinations: I hereby determine that a certain object being imported from abroad pursuant to an agreement with its foreign owner or custodian for temporary display in the exhibition “New Worlds: Women to Watch 2024” at the National Museum of Women in the Arts, Washington, District of Columbia, and at possible additional exhibitions or venues yet to be determined, is of cultural significance, and, further, that its temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:**

Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: [section2459@state.gov](mailto:section2459@state.gov)). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA-5), Suite 5H03, Washington, DC 20522-0505.

**SUPPLEMENTARY INFORMATION:** The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

**Nicole L. Elkon,**

*Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2024-02451 Filed 2-6-24; 8:45 am]

**BILLING CODE 4710-05-P**

**DEPARTMENT OF STATE**

[Public Notice: 12321]

**Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Picture Worlds: Greek, Maya and Moche Pottery” Exhibition**

**SUMMARY:** Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition “Picture Worlds: Greek, Maya and Moche Pottery” at the J. Paul Getty Museum at the Getty Villa, Pacific Palisades, California; the Michael C. Carlos Museum, Emory University, Atlanta, Georgia; and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:**

Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: [section2459@state.gov](mailto:section2459@state.gov)). The mailing address is U.S. Department of State, L/PD, 2200 C Street, NW (SA-5), Suite 5H03, Washington, DC 20522-0505.

**SUPPLEMENTARY INFORMATION:** The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

**Nicole L. Elkon,**

*Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2024-02502 Filed 2-6-24; 8:45 am]

**BILLING CODE 4710-05-P**

<sup>37</sup> 17 CFR 200.30-3(a)(12).

**DEPARTMENT OF STATE****[Public Notice: 12319]****Notice of Determinations; Culturally Significant Object Being Imported for Exhibition—Determinations: “Brilliant Exiles: American Women in Paris, 1900–1939” Exhibition**

**SUMMARY:** Notice is hereby given of the following determinations: I hereby determine that a certain object being imported from abroad pursuant to an agreement with its foreign owner or custodian for temporary display in the exhibition “Brilliant Exiles: American Women in Paris, 1900–1939” at the National Portrait Gallery, Smithsonian Institution, Washington, District of Columbia, and at possible additional exhibitions or venues yet to be determined, is of cultural significance, and, further, that its temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: [section2459@state.gov](mailto:section2459@state.gov)). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

**SUPPLEMENTARY INFORMATION:** The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

**Nicole L. Elkon,**

*Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2024–02452 Filed 2–6–24; 8:45 am]

**BILLING CODE 4710–05–P**

**SUSQUEHANNA RIVER BASIN COMMISSION****Commission Meeting**

**AGENCY:** Susquehanna River Basin Commission.

**ACTION:** Notice.

**SUMMARY:** The Susquehanna River Basin Commission will conduct its regular business meeting on March 14, 2024 in Harrisburg, Pennsylvania. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice. Also the Commission published a document in the **Federal Register** on January 10, 2024, concerning its public hearing on February 1, 2024, in Harrisburg, Pennsylvania.

**DATES:** The meeting will be held on Thursday, March 14, 2024, at 9 a.m.

**ADDRESSES:** This public meeting will be conducted in person and digitally from the Susquehanna River Basin Commission, 4423 N Front Street, Harrisburg, Pennsylvania.

**FOR FURTHER INFORMATION CONTACT:** Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: 717–238–0423; fax: 717–238–2436.

**SUPPLEMENTARY INFORMATION:** The business meeting will include actions or presentations on the following items: (1) approval of contracts, grants and agreements; (2) request to ratify General Permit GP–03, Cooperative Fish Nursery (3) a motion to release a proposed rulemaking for public comment; and (4) actions on 25 regulatory program projects.

This agenda is complete at the time of issuance, but other items may be added, and some stricken without further notice. The listing of an item on the agenda does not necessarily mean that the Commission will take final action on it at this meeting. When the Commission does take final action, notice of these actions will be published in the **Federal Register** after the meeting. Any actions specific to projects will also be provided in writing directly to project sponsors.

The meeting will be conducted both in person at the Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, Pennsylvania and digitally. The public is invited to attend the Commission’s business meeting. You can access the Business Meeting remotely via Zoom: <https://us02web.zoom.us/j/89292000071?pwd=S1E2Qi9QNHUyTkhhY3ZorUJJeXpqUT09; Meeting ID 892 9200 0071; Passcode: SRBC4423!> or via telephone: 305–224–1968 or 309–205–3325; Meeting ID 892 9200 0071.

Written comments pertaining to items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110–1788, or submitted electronically at the link Business Meeting Comments.

Such comments are due to the Commission on or before March 11, 2024. Comments will not be accepted at the business meeting noticed herein.

**Authority:** Pub. L. 91–575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806, 807, and 808.

Dated: February 2, 2024.

**Jason E. Oyler,**

*General Counsel and Secretary to the Commission.*

[FR Doc. 2024–02492 Filed 2–6–24; 8:45 am]

**BILLING CODE 7040–01–P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Notice of Request To Release Airport Property**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of intent to rule on request to release airport property for land disposal at the New Century AirCenter (IXD), New Century, Kansas.

**SUMMARY:** The FAA proposes to rule and invites public comment on the release and disposal of one parcel of land at the New Century AirCenter (IXD), New Century, Kansas.

**DATES:** Comments must be received on or before March 8, 2024.

**ADDRESSES:** Comments on this application may be mailed or delivered to the FAA at the following address: Amy J. Walter, Airports Land Specialist, Federal Aviation Administration, Airports Division, ACE–620G, 901 Locust Room 364, Kansas City, MO 64106.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to: Lawrence Peet, Deputy Director, Johnson County Airport Commission, One New Century Parkway, New Century, KS 302 Terminal Road, P.O. Box 2199, Liberal, KS 66031, (913) 715–6005.

**FOR FURTHER INFORMATION CONTACT:** Amy J. Walter, Airports Land Specialist, Federal Aviation Administration, Airports Division, ACE–620G 901 Locust Room 364, Kansas City, MO 64106, (816) 329–2603, [amy.walter@faa.gov](mailto:amy.walter@faa.gov).

The request to release property may be reviewed, by appointment, in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA invites public comment on the request to release approximately 10.1 acres of airport property at the New Century AirCenter (IXD) under the provisions of 49 U.S.C. § 47107(h)(2). The Deputy

Director has requested from the FAA the release of a 10.1 acre parcel of airport property be released for sale to the Kansas Department of Transportation (KDOT) to construct a new maintenance facility to replace its current facility located within the Runway 36 Protection Zone. The FAA determined the request to release and sell this property at the New Century AirCenter (IXD) submitted by the Sponsor meets the procedural requirements of the Federal Aviation Administration and the release and sale of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this Notice.

The following is a brief overview of the request:

New Century AirCenter (IXD) is proposing the release and sale of a 10.1 acre parcel of airport property. The release of land is necessary to comply with Federal Aviation Administration Grant Assurances that do not allow federally acquired airport property to be used for non-aviation purposes. The sale of the subject property will result in the release of land and surface rights at the New Century AirCenter (IXD) from the conditions of the AIP Grant Agreement Grant Assurances. In accordance with 49 U.S.C. 47107(c)(2)(B)(i) and (iii), the airport will receive fair market value through a land exchange and the property will be developed into a maintenance facility by KDOT.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, request an appointment and inspect the application, notice and other documents determined by the FAA to be related to the application in person at the New Century AirCenter.

Issued in Kansas City, MO, on February 1, 2024.

**James A. Johnson,**

*Director, FAA Central Region, Airports Division.*

[FR Doc. 2024-02403 Filed 2-6-24; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Public Notice for a Change in Use of Aeronautical Property at the Beauregard Regional Airport, DeRidder, Louisiana

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of request for a change in designation of on-airport property federally conveyed, as a result of the Surplus Property Act of 1944, from aeronautical to non-aeronautical use.

**SUMMARY:** The FAA is requesting public comment on the Police Jury of Beauregard Parish's proposal to change 3,501.65 acres of airport property at Beauregard Regional Airport in DeRidder, Louisiana from aeronautical to non-aeronautical use. This acreage was federally conveyed through the Surplus Property Act of 1944.

**DATES:** Comments must be received on or before March 8, 2024.

**ADDRESSES:** Comments on this application may be mailed or delivered to the FAA at the following address: Mr. Justin Barker, Manager, Federal Aviation Administration, Southwest Region, Airports Division, Louisiana/New Mexico Airports Development Office, ASW-640, Fort Worth, Texas 76177.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Hollis Ray O'Neal, Police Jury of Beauregard Parish Chairman, at the following address: 1220 1st Avenue, DeRidder, LA 70634.

**FOR FURTHER INFORMATION CONTACT:** Ms. Alison M. Brooks, Program Manager, Federal Aviation Administration, Louisiana/New Mexico Airports Development Office, ASW-640, 10101 Hillwood Parkway, Fort Worth, Texas 76177, Telephone: (817) 222-5522, Email: [alison.m.brooks@faa.gov](mailto:alison.m.brooks@faa.gov).

**SUPPLEMENTARY INFORMATION:** In accordance with 49 U.S.C. 47107(h), this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

*The following is a brief overview of the request:*

The Police Jury of Beauregard Parish requests 3,501.65 acres of Parcel 2 (as shown on their Exhibit A), be released for non-aeronautical use. The land will be leased out to various developments. Historic parcel 2 was acquired on January 22, 1949 under the Surplus Property Act of 1944. The proposed area of release is located north of Graybow Road, west of LA Highway 3099, east of Seth Cole Road, and south of Blankenship Road with exclusion of Parcel 1 which is contained in the airport's perimeter fence. The Police Jury of Beauregard Parish will lease this property to grow airport revenues as well as the economy. The purpose of this request is to permanently change the designation of the property given

there is no potential for future aviation use, as demonstrated by the Airport Layout Plan. Subsequent to the implementation of the proposed redesignation, rents received by the airport from this property must be used in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999.

Any person may inspect the request by appointment at the FAA office address listed above. Interested persons are invited to comment. All comments will be considered by the FAA to extent practicable.

Issued in Fort Worth, Texas, on September 2023.

**Ignacio Flores,**

*Director, Office of Airports Southwest Region.*

**Editorial Note:** This document was received on January 31, 2024 for publication by the Office of the Federal Register.

[FR Doc. 2024-02223 Filed 2-6-24; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on the I-10 Calcasieu River Bridge Improvements (I-10/I-210 West End to I-10/I-210 East End), Calcasieu Parish, Louisiana

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Notice of limitation on claims for judicial review of actions by FHWA and other Federal agencies.

**SUMMARY:** This notice announces actions taken by FHWA and other Federal agencies that are final. The actions relate to the I-10 Calcasieu River Bridge Improvements (I-10/I-210 West End to I-10/I-210 East End), Calcasieu Parish, Louisiana.

**DATES:** By this notice, FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before July 8, 2024. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** Melinda Roberson, Division Administrator, Louisiana Division, Federal Highway Administration, 5304 Flanders Drive, Suite A; Baton Rouge, Louisiana 70808; Telephone (225) 757-7600.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FHWA and other Federal Agencies have taken final Agency actions by issuing approvals for the I-10 Calcasieu River Bridge Improvements (I-10/I-210 West End to I-10/I-210 East End), Calcasieu Parish, Louisiana. The project will replace the 72 year-old Calcasieu River Bridge and improve I-10 between the I-10/I-210 west and I-10/I-210 east interchanges in Calcasieu Parish, Louisiana. The project length is approximately nine miles and includes the interstate roadways and ramps, the bridge approaches, interchanges, the I-10 service roads, and connecting state and local roads. The purpose of the project is to address the lack of system continuity on I-10 and along Sampson Street; reduce congestion and improve mobility on I-10 and along Sampson Street; address structural and functional roadway and bridge deficiencies; and address safety concerns on I-10 and the Calcasieu River Bridge. The needs that are addressed by this project include accommodating existing traffic and future traffic growth, enhancing trip reliability, reducing bottleneck at the bridge, providing improved geometric and structural design, and replacing aging infrastructure.

The actions by the Federal Agencies, and the laws under which such actions were taken, are described in the FHWA Combined Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) for the project, signed and issued on 1/30/24, for the project, and in other project documents in the FHWA administrative record. The Combined FEIS and ROD, and other documents in the FHWA administrative record files are available by contacting FHWA, using the contact information provided above, or online at the project's website at <https://i10lakecharles.com/>.

This notice applies to the FHWA Agency decision as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].

2. *Air:* Clean Air Act [42 U.S.C. 7401–7671(q)].

3. *Noise:* Noise Control Act of 1972 [42 U.S.C. 4901–4918]; 23 CFR part 772.

4. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].

5. *Wildlife:* Endangered Species Act (ESA) [16 U.S.C. 1531–1544 and section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667d]; Migratory Bird Treaty Act [16 U.S.C. 703–712].

6. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–470(ll)]; Archeological and Historic Preservation Act [16 U.S.C. 469–469c]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

7. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

8. *Wetlands and Water Resources:* Coastal Zone Management Act [16 U.S.C. 1451–1465]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

9. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992(k)].

10. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13045 Protection of Children From Environmental Health Risks and Safety Risks; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

*Authority:* 23 U.S.C. 139(l)(1).

**Melinda Roberson,**

*Division Administrator, Federal Highway Administration.*

[FR Doc. 2024–02405 Filed 2–6–24; 8:45 am]

**BILLING CODE 4910–22–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2023–0039]

#### Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt 12 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

**DATES:** The exemptions were applicable on January 30, 2024. The exemptions expire on January 30, 2026.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–4001, [fmcamedical@dot.gov](mailto:fmcamedical@dot.gov). Office hours are from 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Participation

###### A. Viewing Comments

To view comments go to [www.regulations.gov](http://www.regulations.gov). Insert the docket number, (FMCSA–2023–0039) in the keyword box and click “Search.” Next, sort the results by “Posted (Older–Newer),” choose the first notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

### B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov). As described in the system of records notice DOT/ALL 14 (Federal Docket Management System), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>, the comments are searchable by the name of the submitter.

## II. Background

On December 26, 2023, FMCSA published a notice announcing receipt of applications from 12 individuals requesting an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) and requested comments from the public (88 FR 89012). The public comment period ended on January 25, 2024, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria<sup>1</sup> to assist medical examiners (MEs) in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

## III. Discussion of Comments

FMCSA received no comments in this proceeding.

## IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be

achieved absent such exemption. The statutes allow the Agency to renew exemptions at the end of the 5-year period. However, FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on the 2007 recommendations of the Agency's Medical Expert Panel. The Agency conducted an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s) and medical information about the applicant's seizure history, the length of time that has elapsed since the individual's last seizure, the stability of each individual's treatment regimen and the duration of time on or off of anti-seizure medication. In addition, the Agency reviewed the treating clinician's medical opinion related to the ability of the driver to safely operate a CMV with a history of seizure and each applicant's driving record found in the Commercial Driver's License Information System for commercial driver's license (CDL) holders, and interstate and intrastate inspections recorded in the Motor Carrier Management Information System. For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency. A summary of each applicant's seizure history was discussed in the December 26, 2023, **Federal Register** notice (88 FR 89012) and will not be repeated in this notice.

These 12 applicants have been seizure-free over a range of 26 years while taking anti-seizure medication and maintained a stable medication treatment regimen for the last 2 years. In each case, the applicant's treating physician verified his or her seizure history and supports the ability to drive commercially.

The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers granted this exemption have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

Consequently, FMCSA finds further that in each case exempting these applicants from the epilepsy and seizure disorder prohibition in § 391.41(b)(8) would likely achieve a level of safety equal to that existing without the exemption, consistent with the applicable standard in 49 U.S.C. 31315(b)(1).

## V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and include the following: (1) each driver must remain seizure-free and maintain a stable treatment during the 2-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified ME, as defined by § 390.5T; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

## VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

## VII. Conclusion

Based upon its evaluation of the 12 exemption applications, FMCSA exempts the following drivers from the epilepsy and seizure disorder prohibition in § 391.41(b)(8), subject to the requirements cited above:

Lennie Beaudoin (NH)  
Joshua Braxton (PA)  
Robert A. Clark (IN)  
Chad Clement (WI)  
Michael Drent (MI)  
Curtis Alan Hartman (MD)  
Ramon Hingosa (AZ)  
Thomas Johnston (WI)  
Douglas Kelbley (OH)  
Darren King (PA)  
Eric Langford (KY)  
Ronald Minor (IL)

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals

<sup>1</sup> These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.

and objectives of 49 U.S.C. 31136, 49 U.S.C. chapter 313, or the FMCSRs.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2024-02474 Filed 2-6-24; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2006-25854; FMCSA-2013-0106; FMCSA-2013-0107; FMCSA-2013-0108; FMCSA-2015-0117; FMCSA-2015-0119; FMCSA-2017-0178; FMCSA-2018-0052; FMCSA-2019-0028]

### Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to renew exemptions for 11 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

**DATES:** Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov). Office hours are from 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

### SUPPLEMENTARY INFORMATION:

#### I. Public Participation

##### A. Viewing Comments

To view comments go to [www.regulations.gov](http://www.regulations.gov). Insert the docket number (FMCSA-2006-25854, FMCSA-2013-0106, FMCSA-2013-0107,

FMCSA-2013-0108, FMCSA-2015-0117, FMCSA-2015-0119, FMCSA-2017-0178, FMCSA-2018-0052, or FMCSA-2019-0028) in the keyword box and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

#### B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov). As described in the system of records notice DOT/ALL 14 (Federal Docket Management System), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>, the comments are searchable by the name of the submitter.

#### II. Background

On December 21, 2023, FMCSA published a notice announcing its decision to renew exemptions for 11 individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (88 FR 88486). The public comment period ended on January 22, 2024, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria<sup>1</sup> to

assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

#### III. Discussion of Comments

FMCSA received no comments in this proceeding.

#### IV. Conclusion

Based on its evaluation of the 11 renewal exemption applications and comments received, FMCSA announces its decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8).

As of December 16, 2023, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (88 FR 88486):

Eric Barnwell (MI)  
Christopher Bird (OH)  
Scott DeJarnette (KY)  
Curtis Alan Hartman (MD)  
Wendell Headley (MO)  
Jason Kirkham (WI)  
Dannie Kuck (MT)

The drivers were included in docket numbers FMCSA-2013-0106, FMCSA-2013-0107, FMCSA-2015-0117, FMCSA-2015-0119, FMCSA-2017-0178, or FMCSA-2018-0052. Their exemptions were applicable as of December 16, 2023, and will expire on December 16, 2025.

As of December 23, 2023, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (88 FR 88486):

Gary Freeman (WI)  
Aaron Gillette (SD)  
David Kestner (VA)  
Brent Mapes (IL)

The drivers were included in docket numbers FMCSA-2006-25854, FMCSA-2013-0108, or FMCSA-2019-0028. Their exemptions were applicable as of December 23, 2023, and will expire on December 23, 2025.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions

section H. *Epilepsy*: § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.

<sup>1</sup> These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA,



of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2024-02473 Filed 2-6-24; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2024-0007]

#### Qualification of Drivers; Exemption Applications; Hearing

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Notice of applications for exemption; request for comments.

**SUMMARY:** FMCSA announces receipt of applications from 11 individuals for an exemption from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

**DATES:** Comments must be received on or before March 8, 2024.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System Docket No. FMCSA-2024-0007 using any of the following methods:

- **Federal eRulemaking Portal:** Go to [www.regulations.gov/](http://www.regulations.gov/), insert the docket number (FMCSA-2024-0007) in the keyword box and click "Search." Next, choose the only notice listed, and click on the "Comment" button. Follow the online instructions for submitting comments.

- **Mail:** Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Washington, DC 20590-0001.

- **Hand Delivery:** West Building Ground Floor, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal Holidays.

- **Fax:** (202) 493-2251.

To avoid duplication, please use only one of these four methods. See the "Public Participation" portion of the

**SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001, (202) 366-4001, [fmcamedical@dot.gov](mailto:fmcamedical@dot.gov). Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Participation

###### A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA-2024-0007), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2024-0007>. Next, sort the results by "Posted (Newer-Older)," choose the only notice listed, click the "Comment" button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

###### B. Viewing Comments

To view comments go to [www.regulations.gov](http://www.regulations.gov). Insert the docket number (FMCSA-2024-0007) in the keyword box and click "Search." Next, choose the only notice listed, and click "Browse Comments." If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to

help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

##### C. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov). As described in the system of records notice DOT/ALL 14 (Federal Docket Management System), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>, the comments are searchable by the name of the submitter.

##### II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statutes also allow the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The 11 individuals listed in this notice have requested an exemption from the hearing requirement in 49 CFR 391.41(b)(11). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5-1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971), respectively).

On February 1, 2013, FMCSA announced in a Notice of Final Disposition titled, "Qualification of

Drivers; Application for Exemptions; National Association of the Deaf,” (78 FR 7479), its decision to grant requests from 40 individuals for exemptions from the Agency’s physical qualification standard concerning hearing for interstate CMV drivers. Since that time the Agency has published additional notices granting requests from hard of hearing and deaf individuals for exemptions from the Agency’s physical qualification standard concerning hearing for interstate CMV drivers.

### III. Qualifications of Applicants

#### *Baldemar Barba*

Baldemar Barba, 26, holds a class A commercial driver’s license (CDL) in Texas.

#### *Michael Blizzard*

Michael Blizzard, 57, holds a class E driver’s license in Florida.

#### *Nathan Brune*

Nathan Brune, 45, holds a class D driver’s license in Idaho.

#### *Byron Nelson*

Byron Nelson, 50, holds a class C driver’s license in Oregon.

#### *Cedric Carr*

Cedric Carr, 40, holds a class C driver’s license in North Carolina.

#### *David Fufts*

David Fufts, 49, holds a class D driver’s license in Illinois.

#### *Deshon Gray*

Deshon Gray, 51, holds a class C driver’s license in Texas.

#### *Kekoa Kahele*

Kekoa Kahele, 45, holds a class C driver’s license in Nevada.

#### *Robert Lara Lara*

Robert Lara Lara, 31, holds a class 10 driver’s license in Rhode Island.

#### *Patrick Rubio*

Patrick Rubio, 42, holds a class C driver’s license in California.

#### *James Sanford*

James Sanford, 36, holds a class 1 driver’s license in South Dakota.

### IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of

business on the closing date indicated under the **DATES** section of the notice.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2024–02475 Filed 2–6–24; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA–2023–0066, Notice No. 2]

### Petition for Waiver of Compliance and Notice of Public Hearing

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Announcement of public hearing and extension of comment period.

**SUMMARY:** On January 16, 2024, FRA published a public notice announcing that on August 10, 2023, Georgia Central Railway, L.P. and Heart of Georgia Railroad, Inc. (Petitioners) submitted a request to FRA for approval of a test program, and the temporary suspension of certain FRA safety regulations in connection with that program (Program). In this notice, FRA is announcing a public hearing to allow interested persons the opportunity to provide comments on the petition. FRA is also announcing a 14-day extension of the comment period to allow time for interested parties to submit comments on the petition or in response to views or information provided at the public hearing.

#### **DATES:**

(1) A public hearing will be held on March 12, 2024, from 1 p.m. (ET) to 5 p.m. (ET) in Vidalia, GA, and through one or more internet links.

(2) Comments: FRA must receive comments on the petition, or in response to views or information provided at the public hearing, by April 1, 2024. FRA will consider comments received after that date to the extent practicable.

#### **ADDRESSES:**

**Public Hearing:** The public hearing will allow for participation in-person or virtually. For those participants that prefer to appear in person, the public hearing will be held at the Vidalia Community Center, 107 Old Airport Road, Vidalia, GA 30474. For those participants wishing to make a statement at the public hearing, either in-person or virtually, please contact FRA as described under the Public Participation Procedures heading in the **SUPPLEMENTARY INFORMATION** section of

this document. Any person who wants to participate or observe the public hearing virtually can visit <https://railroads.dot.gov/hog-gc-hearing> for the web address and hyperlink.

**Comments:** Comments related to Docket No. FRA–2023–0066 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

**Instructions:** All submissions must include the agency name and docket number (FRA–2023–0066). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

**Docket:** For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

#### **FOR FURTHER INFORMATION CONTACT:**

Matthew Brewer, Staff Director—Engineering and Technology Division, Federal Railroad Administration, telephone: 509–994–1978, email: [matthew.brewer@dot.gov](mailto:matthew.brewer@dot.gov); or Veronica Chittim, Attorney Advisor, Federal Railroad Administration, telephone: 202–480–3410, email: [veronica.chittim@dot.gov](mailto:veronica.chittim@dot.gov).

**SUPPLEMENTARY INFORMATION:** The purpose of this hearing is to receive comments in response to a petition for approval of a test program and the temporary suspension of certain FRA safety regulations in connection with that Program, including certain statutory requirements that would require FRA to exercise its authority under 49 U.S.C. 20306 to exempt the rail equipment involved from the requirements of 49 U.S.C. 20302. Petitioners should be present at the hearing and prepared to present evidence that any requirements of chapter 203, title 49, U.S.C., for which exemption is sought “preclude the development or implementation of more efficient railroad transportation.”

Interested parties are invited to present statements and to offer information and views at the hearing. The hearing will be an informal, non-adversarial proceeding conducted by a representative FRA designates under FRA’s Rules of Practice (49 CFR 211.25). Therefore, there will be no cross-examination of persons presenting statements or offering information. An FRA representative will make an

opening statement outlining the scope of the hearing. Interested parties will then be provided with an opportunity to make initial statements. After all initial statements are completed, those persons wishing to make a brief rebuttal will be given the opportunity to do so, in the same order in which the initial statements were made. FRA will announce any additional procedures necessary at the hearing.

There will be a court reporter to record and transcribe comments presented verbatim at the hearing. FRA will add the verbatim transcript of the discussions to the public docket in this proceeding.

#### Public Participation Procedures

Any person: (1) wishing to attend the hearing in person, (2) make a statement at the hearing either in-person or virtually, or (3) both, should notify FRA by contacting Ms. Shari Carney, Transportation Analyst, by email at [shari.carney@dot.gov](mailto:shari.carney@dot.gov), no later than March 8, 2024, providing the following information, as applicable:

(a) The name, affiliation or party represented, email address, and phone number of the participant.

(b) Whether the participant is attending in person or virtually.

(c) The subject(s) of the statement and/or presentation the participant wishes to make, and the amount of time requested.

(d) A copy of the oral statement and/or presentation, if available.

FRA reserves the right to limit participation in the hearing of persons who fail to follow the public participation procedures as outlined above, or additional procedures announced at the hearing. FRA also reserves the right to limit the duration of presentations, as necessary, to afford all persons the opportunity to speak, or to limit participation in the hearing of persons who exceed their allotted time or who discuss topics or issues outside the scope of the petition. Further, FRA reserves the right to limit in-person attendance at the hearing, as space is limited; preference in attendance will be provided to persons requesting to present statements in person.

FRA is committed to providing equal access to this meeting for all participants. If you need alternative formats or other reasonable accommodations to participate in this meeting, either in-person or virtually, please contact FRA Transportation Analyst Ms. Shari Carney, by email at [shari.carney@dot.gov](mailto:shari.carney@dot.gov), no later than March 8, 2024.

#### Extension of Comment Period

FRA is extending the comment period by 14 days to April 1, 2024, to allow time for interested parties to submit written comments on the proposal or in response to views or information provided at the public hearing.

#### Privacy Act

In accordance with FRA Order 1100.14G, FRA solicits comments from the public to better inform its disposition of waivers, exemptions, block signal applications, and other special approvals under the Federal railroad safety laws and regulations and in accordance with FRA's Rules of Practice (title 49 Code of Federal Regulations (CFR) part 211). DOT posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), under docket number FRA-2023-0066, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through <https://www.transportation.gov/privacy>. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Issued in Washington, DC.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety,  
Chief Safety Officer.*

[FR Doc. 2024-02501 Filed 2-6-24; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF THE TREASURY

### Bureau of the Fiscal Service

#### Proposed Collection of Information: Treasury Hunt Follow-Up

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Treasury Hunt Follow-Up.

**DATES:** Written comments should be received on or before April 8, 2024 to be assured of consideration.

**ADDRESSES:** Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, Room #4006-A, P.O. Box 1328, Parkersburg, WV 26106-1328, or [bruce.sharp@fiscal.treasury.gov](mailto:bruce.sharp@fiscal.treasury.gov).

#### SUPPLEMENTARY INFORMATION:

*Title:* Treasury Hunt Follow-Up.

*OMB Number:* 1530-New.

*Form Number:* FS Form 000140.

*Abstract:* The information is requested to verify a user's claim and process any associated transactions when a potential match is identified by using the Treasury Hunt online search tool to search for unredeemed bonds and holdings.

*Current Actions:* New collection.

*Type of Review:* Regular.

*Affected Public:* Individuals and Households.

*Estimated Number of Respondents:* 20,000.

*Estimated Time per Respondent:* 10 minutes.

*Estimated Total Annual Burden Hours:* 3,333.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (2) the accuracy of the agency's estimate of the burden of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; (4) 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; and (5) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: January 29, 2024.

**Bruce A. Sharp,**

*Bureau PRA Clearance Officer.*

[FR Doc. 2024-02454 Filed 2-6-24; 8:45 am]

**BILLING CODE 4810-AS-P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Notice of OFAC Sanctions Actions

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice

**SUMMARY:** The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons

are generally prohibited from engaging in transactions with them.

**DATES:** See Supplementary Information section for effective date(s).

**FOR FURTHER INFORMATION CONTACT:** OFAC: Bradley T. Smith, Director, tel.: 202-622-2490; Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Licensing, tel.: 202-622-2480; Assistant Director for Regulatory Affairs, tel.: 202-622-4855; or the Assistant Director for Compliance, tel.: 202-622-2490.

**SUPPLEMENTARY INFORMATION:**

**Electronic Availability**

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (<https://www.treasury.gov/ofac>).

**Notice of OFAC Action(s)**

On February 2, 2024, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

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**Individuals**

1. HOMAYUNFAL, Hamid (a.k.a. HOMAYUNFAL, Hamed), Iran; DOB 14 Feb 1987; nationality Iran; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT] [IRGC] [IFSR] (Linked To: IRANIAN ISLAMIC REVOLUTIONARY GUARD CORPS CYBER-ELECTRONIC COMMAND).

Designated pursuant to section 1(a)(iii)(E) of Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism" (E.O. 13224), 3 CFR, 2019 Comp., p. 356., as amended by Executive Order 13886 of September 9, 2019, "Modernizing Sanctions To Combat Terrorism," 84 FR 48041 (E.O. 13224, as amended) for being a leader or official of the IRANIAN ISLAMIC REVOLUTIONARY GUARD CORPS CYBER-ELECTRONIC COMMAND, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

2. MANSURI, Milad (a.k.a. MANSOURI, Milad), Iran; DOB 11 Sep 1989; nationality Iran; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT] [IRGC] [IFSR] (Linked To: IRANIAN ISLAMIC REVOLUTIONARY GUARD CORPS CYBER-ELECTRONIC COMMAND).

Designated pursuant to section 1(a)(iii)(E) of E.O. 13224, as amended, for being a leader or official of the IRANIAN ISLAMIC REVOLUTIONARY GUARD CORPS CYBER-ELECTRONIC COMMAND, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

3. SABERIAN, Reza Mohammad Amin (a.k.a. SABERIAN, Mohammad Amin; a.k.a. SABERIAN, Mohammadamin), Iran; DOB 01 Feb 1980; nationality Iran; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport G10515157 (Iran) expires 05 Oct 2024; National ID No. 2431884694 (Iran) (individual) [SDGT] [IRGC] [IFSR] (Linked To: IRANIAN ISLAMIC REVOLUTIONARY GUARD CORPS CYBER-ELECTRONIC COMMAND).

Designated pursuant to section 1(a)(iii)(E) of E.O. 13224, as amended, for being a leader or official of the IRANIAN ISLAMIC REVOLUTIONARY GUARD CORPS CYBER-ELECTRONIC COMMAND, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

Entity

4. SHIRINKAR, Mohammad Bagher (a.k.a. TEHRANI, Mojtaba), Iran; DOB 21 Sep 1979; nationality Iran; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; National ID No. 0067948431 (Iran) (individual) [SDGT] [IRGC] [IFSR] [HRIT-IR] [ELECTION-EO13848] (Linked To: IRANIAN ISLAMIC REVOLUTIONARY GUARD CORPS CYBER-ELECTRONIC COMMAND).

Designated pursuant to section 1(a)(iii)(E) of E.O. 13224, as amended, for being a leader or official of the IRANIAN ISLAMIC REVOLUTIONARY GUARD CORPS CYBER-ELECTRONIC COMMAND, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

5. LASHGARIAN, Mahdi (Arabic: مهدی لشگریان) (a.k.a. LASHGARIAN, Mehdi), Iran; DOB 02 Jun 1989; nationality Iran; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport M56717088 (Iran) expires 08 Jun 2027; National ID No. 0010365044 (Iran); Birth Certificate Number 136544 (Iran) (individual) [SDGT] [IRGC] [IFSR] (Linked To: IRANIAN ISLAMIC REVOLUTIONARY GUARD CORPS CYBER-ELECTRONIC COMMAND).

Designated pursuant to section 1(a)(iii)(E) of E.O. 13224, as amended, for being a leader or official of the IRANIAN ISLAMIC REVOLUTIONARY GUARD CORPS CYBER-ELECTRONIC COMMAND, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

6. LASHGARIAN, Hamid Reza (Arabic: حمیدرضا لشگریان) (a.k.a. LASHGARIAN, Hamidreza), Iran; DOB 21 Mar 1961; nationality Iran; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport D10006686 (Iran) expires 17 Feb 2025; alt. Passport N46460034 (Iran) expires 08 Sep 2023; alt. Passport D10012058 (Iran) expires 01 May 2028; National ID No. 0046455922 (Iran) (individual) [SDGT] [IRGC] [IFSR] (Linked To: IRANIAN ISLAMIC REVOLUTIONARY GUARD CORPS CYBER-ELECTRONIC COMMAND).

Designated pursuant to section 1(a)(iii)(E) of E.O. 13224, as amended, for being a leader or official of the IRANIAN ISLAMIC REVOLUTIONARY GUARD CORPS CYBER-ELECTRONIC COMMAND, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

Additionally, on February 2, 2024, OFAC updated the entry on the SDN List for the following entity whose property and interests in property subject to U.S. jurisdiction continue to be blocked under the relevant sanctions authorities listed below.

**Entity**

1. ISLAMIC REVOLUTIONARY GUARD CORPS ELECTRONIC

WARFARE AND CYBER DEFENSE ORGANIZATION (a.k.a. IRGC JANGAL ORGANIZATION), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IRGC] [IFSR] [HRIT-IR].

-to-

IRANIAN ISLAMIC REVOLUTIONARY GUARD CORPS CYBER-ELECTRONIC COMMAND (a.k.a. IRGC JANGAL ORGANIZATION; a.k.a. IRGC-CEC; f.k.a.

ISLAMIC REVOLUTIONARY GUARD CORPS ELECTRONIC WARFARE AND CYBER DEFENSE ORGANIZATION), Iran; Additional Sanctions Information—Subject to Secondary [SDGT] [IRGC] [IFSR] [HRIT-IR].

Designated pursuant to section 1(a)(ii)(D) of Executive Order 13606 of April 22, 2012, “Blocking the Property and Suspending the Entry Into the United States of Certain Persons With Respect to Grave Human Rights Abuses by the Governments of Iran and Syria via Information Technology” (“E.O.

13606”—. for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Iran’s ISLAMIC REVOLUTIONARY GUARD CORPS, a person whose property and interests in property are blocked pursuant to E.O. 13606

Dated: February 2, 2024.

**Bradley T. Smith,**

*Director, Office of Foreign Assets Control, U.S. Department of the Treasury.*

[FR Doc. 2024–02498 Filed 2–6–24; 8:45 am]

**BILLING CODE 4810–AL–P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Notice of OFAC Sanctions Actions

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC’s Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC’s determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them. OFAC is also publishing updates to the identifying information of five persons currently included on the SDN List.

**DATES:** See Supplementary Information section for effective date(s).

**FOR FURTHER INFORMATION CONTACT:** OFAC: Bradley T. Smith, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC’s website (<https://www.treasury.gov/ofac>).

#### Notice of OFAC Action(s)

A. On December 12, 2023, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below:

##### Individuals

1. LEE, Dongjin (a.k.a. DONGJIN, Lee; a.k.a. “LEE, DJ”), Korea, South; DOB 10 Jul 1962; POB Busan, South Korea; nationality Korea, South; Gender Male; Passport M72673454 (Korea, South); alt. Passport M10069085 (Korea, South) (individual) [RUSSIA–EO14024] (Linked To: LIMITED LIABILITY COMPANY AK MICROTECH).

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) for operating or having operated in the technology sector of the Russian Federation economy and for having materially assisted, sponsored, or provided financial, material, or technological support for Limited Liability Company AK Microtech, a person whose property and interests in property are blocked pursuant to E.O. 14024.

2. ASADULLAH, Syed (a.k.a. ABDULLAH, Sayed), Islamabad, Pakistan; DOB 04 Jan 1964; POB Karachi, Pakistan; nationality Pakistan; Gender Male; Passport AD1876722 (Pakistan) issued 12 Aug 2010 expires 11 Aug 2015; Identification Number 6110164716723 (Pakistan) (individual) [RUSSIA–EO14024] (Linked To: HU, Xiaoxun).

Designated pursuant to section 1(a)(vi)(B) of E.O. 14024 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of Xiaoxun Hu, a person whose property and interests in property are blocked pursuant to E.O. 14024.

3. BERNIKOV, Boris Olegovich, Russia; DOB 11 Mar 1988; POB USSR; nationality Russia; Gender Male; Passport 750772630 (Russia) (individual) [RUSSIA–EO14024]. Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

4. DOKUCHAEV, Sergey Vladimirovich (a.k.a. DOKUCHAEV, Sergei Vladimirovich), Russia; DOB 19 Jul 1957; POB Kuybyshev, Russia; nationality Russia; Gender Male; Tax ID No. 772130881808 (Russia) (individual) [RUSSIA–EO14024] (Linked To: PJSC VYSOCHAISHY).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for having acted or purported to act for or on behalf of, directly or indirectly, PJSC Vysochaishy, a person whose property and interests in property are blocked pursuant to E.O. 14024.

5. GUGNIN, Vladimir Vladimirovich, Russia; DOB 20 Jun 1959; nationality Russia; Gender Male; Tax ID No. 504213050247

(Russia) (individual) [RUSSIA–EO14024] (Linked To: TECHNOLOGY 5 CO., LIMITED).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for having acted or purported to act for or on behalf of, directly or indirectly, Technology 5 Co. Limited, a person whose property and interests in property are blocked pursuant to E.O. 14024.

6. HU, Xiaoxun, China; DOB 19 Oct 1975; POB China; nationality China; Gender Male; Passport G00062763 (China) (individual) [RUSSIA–EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

7. KOTEKIN, Roman Aleksandrovich, Zelenograd, BLD 146, Moscow 124482, Russia; DOB 05 Nov 1985; POB Shuya, Russia; nationality Russia; Gender Male; Passport 736017311 (Russia) issued 01 Sep 2014 expires 01 Sep 2024; National ID No. 2405194435 (Russia) (individual) [RUSSIA–EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

8. KRYLOV, Vladimir, Russia; DOB 11 Jan 1995; nationality Russia; Gender Male (individual) [RUSSIA–EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

9. SHAKH, Nur Khabib (a.k.a. SHAH, Noor Habib), Pakistan; DOB 1966; POB Pakistan; nationality Pakistan; Gender Male; Passport KE110109 (individual) [RUSSIA–EO14024] (Linked To: HU, Xiaoxun).

Designated pursuant to section 1(a)(vi)(B) of E.O. 14024 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of Xiaoxun Hu, a person whose property and interests in property are blocked pursuant to E.O. 14024.

10. ZALEVSKII, Andrei Denisovich (a.k.a. ZALEVSKI DENISOVICH, Andrei), Russia; DOB 02 Nov 1997; nationality Russia; Gender Male; Tax ID No. 771818408885 (Russia) (individual) [RUSSIA–EO14024] (Linked To: LIMITED LIABILITY COMPANY YUNA ENGINEERING).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for having acted or purported to act for or on behalf of, directly or indirectly, Limited Liability Company Yuna Engineering, a person whose property and interests in property are blocked pursuant to E.O. 14024.

11. VELESLAVOV, Dmitrii Aleksandrovich, Russia; DOB 18 Oct 1970; nationality Russia; Gender Male; Tax ID No. 782573356000 (Russia) (individual) [RUSSIA–EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.



**Entities**

1. JARVIS HK CO., LIMITED (a.k.a. SHENZHEN GUANGSHENDA ADVANCED EQUIPMENT CO., LTD.), No. 38-3, Longhua Yingtai Road, Shenzhen, China; 2F, Building 1, Pingliang Road, Shanghai, China; House 13, Street 28, F6/1, Islamabad, Pakistan; Room 1201, 12/F Tai Sang Bank Building 130-132 Des Vouex Road, Central, Hong Kong, China; Organization Established Date 25 Nov 2010; Business Registration Number 1532250 (Hong Kong) [RUSSIA-EO14024] (Linked To: HU, Xiaoxun).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, Xiaoxun Hu, a person whose property and interests in property are blocked pursuant to E.O. 14024.

2. LIMITED LIABILITY COMPANY YUNA ENGINEERING (a.k.a. YUNA ENGINEERING LLC; a.k.a. YUNA INZHINIRING), 12 Academic Ilyushin Str., Moscow 123290, Russia; d. 16 pom. 628 Fryazino, Moscow, Russia; Organization Established Date 24 Oct 2022; Tax ID No. 7714494904 (Russia); Government Gazette Number 57792038 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

3. PJSC VYSOCHAISHY (a.k.a. GV GOLD; a.k.a. PAO VYSOCHAISHY; a.k.a. PUBLICHNOYE AKTSIONERNOYE OBSHCHESTVO VYSOCHAISHY; a.k.a. VYSOCHAISHI, PAO), 27A, Pristasovaya Str., Taksimo, Muisky district, town, Taksimo, Republic of Buryatia 671560, Russia; ul. Berezovaya d. 17 Bodaibo Irkutsk Region, Irkutsk 666902, Russia; D. 38, B-r Gagarina, Irkutsk Region, Irkutsk 664025, Russia; Organization Established Date 19 Nov 2002; Tax ID No. 3802008553 (Russia); Registration Number 1023800732878 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

4. TECHNOLOGY 5 CO., LIMITED (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU TEKHNLOGIYA 5; a.k.a. TEKNOLOGIYA 5, OOO; a.k.a. "LIMITED LIABILITY COMPANY GREEN CITY"), 12/1 str. 1 pom. 38, ul. Krasnoprudnaya, Moscow 107140, Russia; Organization Established Date 19 Mar 2008; Tax ID No. 7708666513 (Russia); Government Gazette Number 85670297 (Russia) [RUSSIA-EO14024] (Linked To: HU, Xiaoxun).

Designated pursuant to section 1(a)(vi)(B) of E.O. 14024 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of Xiaoxun Hu, a person whose property and interests in property are

blocked pursuant to E.O. 14024.

5. KOBİ INTERNATIONAL COMPANY, Room A1, 14 Floor, Success Industrial Building, No. 17 Sheung Hei St., San Po Kong, Kowloon, Hong Kong, China; Organization Established Date 12 Nov 2008; Target Type Private Company; Registration Number 39988825-000 (Hong Kong) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

6. AKKUMULYATORNYE TEKHNologii (a.k.a. "AKTEKH"), Ul. Mozhaiskogo D.4, Office 15, Irkutsk 664009, Russia; Ul. Promuchastok D.1, Svirsk 665420, Russia; Tax ID No. 3811146750 (Russia); Registration Number 1113850010185 (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.

7. AKTSIONERNOE OBSHCHESTVO AKKUMULYATORNYI ZAVOD IM. N.M.IGNATYEVA AKOM (a.k.a. AO AKOM IM. N.M.IGNATYEVA), PR-D Otvazhnyi D. 22, Zhigulevsk 445359, Russia; Tax ID No. 6345011371 (Russia); Registration Number 1026303242547 (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.

8. AKTSIONERNOE OBSHCHESTVO GIDROAGREGAT, Ul. Kommunisticheskaya D. 78, Pavlovo 606100, Russia; Tax ID No. 5252000470 (Russia); Registration Number 1025202124100 (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.

9. AO ELEKTROISTOCHNIK, Ul. Rabochaya D. 205, Saratov 410071, Russia; Ul. Monastyrka D. 17A, Pomeshch. 42, 42/1, Nizhniy Novgorod 603016, Russia; Tax ID No. 6455053279 (Russia); Registration Number 1116455001629 (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.

10. JOINT STOCK COMPANY ENERGIYA, P Elektrik D.1, Yelets 399775, Russia; Tax ID No. 4821000142 (Russia); Registration Number 1024800789408 (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.

11. EUROPEAN BEARING CORPORATION (a.k.a. "AO EPK"), ul. Sharikopodshipnikovskaya, d. 13, str. 62, Moscow 115088, Russia; Tax ID No. 7722242530 (Russia); Registration Number 1027700137618 (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.

12. LIMITED LIABILITY CORPORATION TRADING HOUSE EPK (a.k.a. TORGOVIY DOM EPK; a.k.a. "OOO TD EPK"), ul. Novoostapovskaya, d. 5, str. 14, et. 2, kom. 4, Moscow 115088, Russia; Tax ID No. 7725136315 (Russia); Registration Number 1027700136859 (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.

13. OAO EPK SAMARA, ul. Michurina, d. 98 A, Samara 443068, Russia; Tax ID No. 6316040924 (Russia); Registration Number 1026301154934 (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.

14. OAO EPK SARATOV, Prospekt Entuziastov, d.64 A, Saratov 410039, Russia; Tax ID No. 6451104638 (Russia); Registration Number 1026402484250 (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.

15. OAO EPK VOLZHISKY, ul. Pushkina, d. 45, Volzhsky 404112, Russia; Tax ID No. 3435052024 (Russia); Registration Number 1023402005582 (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.

16. OOO EPK KUZNITSA, litera d, shosse Moskovskoe, Samara 443013, Russia; Tax ID No. 6316110515 (Russia); Registration Number 1066316085681 (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.

17. OOO EPK NOVYE TEKHNologii, ul. Sharikopodshipnikovskaya, d. 13, str. 33, Moscow 115088, Russia; Tax ID No. 7723918620 (Russia); Registration Number 1147746970271 (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.

18. OPEN JOINT STOCK COMPANY EBC MANAGEMENT COMPANY (a.k.a. OAO UPRAVLAYUSHAYA KOMPANIYA EPK; a.k.a. "OAO UK EPK"), ul. Novoostapovskaya, d. 5, str. 14, et. 2, kom. 2, Moscow 115088, Russia; ul. Sharikopodshipnikovskaya, d. 13, str. 62, Moscow 115088, Russia; Tax ID No. 7723557068 (Russia); Registration Number 1057749391028 (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.

19. AO CARGO SERVICE CENTER (a.k.a. CARGO SERVICE CENTRE; a.k.a. CARGO SERVICE LIMITED LIABILITY COMPANY; a.k.a. KARGO SERVIS OOO), proezd 5-I Predportovyi d. 26, lit. e, pomeshch. 1.29, office 2, Saint Petersburg 196240, Russia; Tax ID No. 7810853472 (Russia); Registration Number 1117847644265 (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.

20. ITB LOGISTIKA OOO, ul. Malomoskovskaya d. 16, str. 1, komn. 10, Moscow 129164, Russia; Tax ID No. 7733871594 (Russia); Registration Number 1147746183420 (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.

21. OOO REALEKSPORT, ul. Truda, d. 64A, pom. 45, ofis 408, Chelyabinsk 454090, Russia; Lenina Prospekt 89-518, 525 office, Chelyabinsk 454080, Russia; Tax ID No. 7448105810 (Russia); Registration Number 1087448006161 (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.

22. LIMITED LIABILITY COMPANY AUTOMIZATION AND COMMUNICATION SERVICE (a.k.a. AVTOMATIZATSIYA I SVYAZ SERVICE), Ul. 9P D. 25, Kabinet 1, Nizhnevartovsk 628624, Russia; Tax ID No. 8605016748 (Russia); Registration Number 1038602103671 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

23. LIMITED LIABILITY COMPANY AVISTO (a.k.a. LIMITED LIABILITY COMPANY AVYSTO), Ploshchadka OAO Stoilenskii Gok, Staryy Oskol 309500, Russia; Tax ID No. 3128055665 (Russia); Registration Number 1063128021758 (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.

24. LIMITED LIABILITY COMPANY GAAN CORPORATION (a.k.a. KORPORATSIYA GAAN), Ul. Talalikhina D. 41, Str. 9, Pomeshch. IX, Komnata 15B, Moscow 109316, Russia; Tax ID No. 7722460151 (Russia); Registration Number 1187746507816 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

25. OPEN JOINT STOCK COMPANY DOLTA (a.k.a. AKTSIONERNOE OBSHCHESTVO DOLTA), Ul. Vereiskaya D. 29A, Str. 4, Moscow, 121351, Russia; Tax ID No. 7715352814 (Russia); Registration Number 1027715012863 (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.

26. OPEN JOINT STOCK COMPANY RIKOR ELECTRONICS (a.k.a. JOINT STOCK COMPANY RIKOR ELECTRONICS), Ul. Pobedy D. 9, Arzamas 607232, Russia; Tax ID No. 5243001622 (Russia); Registration Number 1025201335279 (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.

27. AKTSIONERNOE OBSHCHESTVO ZAVOD SELMASH, Ul. Shchorsa, D. 66, Kirov 610014, Russia; Tax ID No. 4345195478 (Russia); Registration Number 1074345039339 (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.

28. JOINT STOCK COMPANY VOLSK MECHANICAL PLANT, 10 Vidim, Volsk 412921, Russia; Tax ID No. 6441019849 (Russia); Registration Number 1106441000951 (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.

29. JOINT STOCK COMPANY ZAVOD KORPUISOV, Ul. Zavodskaya, D. 1, Vyksa 607061, Russia; Tax ID No. 5247005096 (Russia); Registration Number 1025201638087 (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.

30. LIMITED LIABILITY COMPANY AVIATEKSIM, Ul. Parkovaya 9-YA D. 37, Korp. 2, Pom. 63, Moscow 105264, Russia; Tax ID No. 7719188717 (Russia); Registration Number 1074345039339 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the aerospace sector of the Russian Federation economy.

31. CLOSED JOINT STOCK COMPANY VOLOGDA BEARING PLANT, Sh. Okruzhnoe D. 13, Vologda 160028, Russia; Tax ID No. 3525027150 (Russia); Registration Number 1023500880369 (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.

32. LIMITED LIABILITY COMPANY NORTHWESTERN BEARING COMPANY (a.k.a. SEVERO ZAPADNAYA PODSHIPNIKOVAYA KOMPANIYA), Polyustrovskii Prt D. 70, Saint Petersburg 195197, Russia; Tax ID No. 7826058631 (Russia); Registration Number 1027810311572 (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.

33. LIMITED LIABILITY COMPANY PENZA BEARING PLANT (a.k.a. PENZENSKII PODSHIPNIKOVYI ZAVOD), Ul. Antonova D. 3, Kabinet 91, Penza 440629, Russia; Tax ID No. 5834018533 (Russia); Registration Number 1025801102051 (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.

34. LIMITED LIABILITY COMPANY SREDNEVOLZHSKY BEARING PLANT (a.k.a. SREDNEVOLZHSKII PODSHIPNIKOVYI ZAVOD), Prkt Kirova D. 10, Samara 443022, Russia; Tax ID No. 6319130781 (Russia); Registration Number 1066319099604 (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.

35. LITHIUM ELEMENT JOINT STOCK COMPANY (a.k.a. AO LITII ELEMENT), Ul. Im Ordzhonikidze G.K D. 11A, Saratov 410015, Russia; Tax ID No. 6451115083 (Russia); Registration Number 1026402485581 (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.

36. NAUCHNO ISSLEDOVATELSKI INSTITUT KHMICHESKIKH ISTOCHNIKOV TOKA AKTSIONERNOE OBSHCHESTVO (a.k.a. AKTSIONERNOE OBSHCHESTVO NIIKHIT; a.k.a. NIIHIT 2 JOINT STOCK COMPANY; a.k.a. "NIIHIT"), Ul. Im. Ordzhonikidze GK D.11 A, Saratov 410015, Russia; Tax ID No. 6451118983 (Russia); Registration Number 1026402485636 (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.

37. NAUCHNO PROIZVODSTVENNOE PREDPRIYATIE ISTOCHNIK (a.k.a. NPP ISTOCHNIK), Proezd 3, Rybatskii 3, Liter V, Saint Petersburg 192177, Russia; Ul. Kurchatova D. 9, Str. 2, Pomeshch. 245, Saint Petersburg 194223, Russia; Tax ID No. 7811354388 (Russia); Registration Number 5067847357914 (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.

38. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU KORPORATSIYA AIPI, Ul. Plakhotnogo D. 131, Novosibirsk 630136, Russia; Tax ID No. 5404493030 (Russia); Registration Number 1135476139941 (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.

39. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU SELLZ TREID (a.k.a. "SELLZ TREID"), Ul. Skulptora Golovnitskogo D. 26, Kv. 81, Chelyabinsk 454030, Russia;

Tax ID No. 7448217344 (Russia); Registration Number 1197456017780 (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.

40. AKTSIONERNOE OBSHCHESTVO FIRMA TVEMA, Ul. Nikulinskaya D.27, Moscow 119602, Russia; Tax ID No. 7707011088 (Russia); Registration Number 1027700175030 (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.

41. ELPA RESEARCH INSTITUTE AND PILOT LINE JOINT STOCK COMPANY (a.k.a. AKTSIONERNOE OBSHCHESTVO NAUCHNO ISSLEDOVATELSKI INSTITUT ELPA S OPYTNYM PROIZVODSTVOM; a.k.a. "NII ELPA AO"), Pr-Kt Panfilovskii D. 10, Zelenograd 124460, Russia; Tax ID No. 7735064772 (Russia); Registration Number 1027739098760 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the electronics sector of the Russian Federation economy.

42. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU STIRER (a.k.a. "STEERER"), Ul Samokatnaya D 4 A, Str 5, Moscow 111033, Russia; Tax ID No. 7722647713 (Russia); Registration Number 1087746607772 (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.

43. S&D SOLUTIONS LIMITED LIABILITY COMPANY (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU ESDIES; a.k.a. S AND D SOLUTIONS LIMITED LIABILITY COMPANY; a.k.a. "SDS OOO"), Ul. 6-Ya Krasnoarmeiskaya D. 5-7, Lit. A, Pom. 2-N, Saint Petersburg 190005, Russia; Tax ID No. 7820331010 (Russia); Registration Number 1129847007290 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the electronics sector of the Russian Federation economy.

44. JOINT STOCK COMPANY POLIMER, Ul. Proizvodstvennaya D. 4, Chapayevsk, Russia 446100, Russia; Registration ID 1026303177119 (Russia); Tax ID No. 6335005315 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

45. LIMITED LIABILITY COMPANY SPECTRUM (a.k.a. SPEKTRUM OOO), Ul. Yalagina D. 3, Pomeshcheniya 10-14, 16, 17, Elektrostal, Russia 144010, Russia; Tax ID No. 5053068643 (Russia); Registration Number 1105053000656 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the



metals and mining sector of the Russian Federation economy.

46. BOSFOR AVRASYA IC VE DIS TICARET LIMITED SIRKETI, Baskule Plaza Sitesi, 122/36 Goztepe Mahallesi, Istanbul, Turkey; Tax ID No. 1800970008 (Turkey); Business Registration Number 384592 (Turkey) [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.

47. EGETIR OTOMOTIV SANAYI VE TICARET LIMITED SIRKETI, Canakkale Caddesino: 57 Pinarbasi, Izmir 35060, Turkey; Chamber of Commerce Number 1138121 (Turkey); Business Registration Number 126793 (Turkey) [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.

48. GLOBUS TURKEY LOJISTIK DIS TICARET LIMITED SIRKETI, Daire:2, No:71 Suadiye Mahallesi, Istanbul 34740, Turkey; Organization Established Date 04 Apr 2022; Tax ID No. 3961454218 (Turkey); Business Registration Number 372297 (Turkey) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

49. KARTAL EXIM DIS TICARET LIMITED SIRKETI, Zeynep Apt., No: 7-5 Zeytinlik Mahallesi, Istanbul, Turkey; Organization Established Date 01 Jul 2022; Tax ID No. 5261519659 (Turkey); Business Registration Number 391396 (Turkey) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

50. KONOMAR GEMI ELEKTRIK VE ELEKTRONIK LIMITED SIRKETI, No: 49 Istasyon Mahallesi, Istanbul, Turkey; Tax ID No. 5760525158 (Turkey); Business Registration Number 59678 (Turkey) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

51. MEGASAN ELEKTRONIK TICARET VE SANAYI ANONIM SIRKETI, One Block Umraniye Blok, No:16-72 Fatih Sultan Mahallesi, Istanbul 34771, Turkey; Tax ID No. 6130759760 (Turkey); Business Registration Number 361943 (Turkey) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the electronics sector of the Russian Federation economy.

52. OZKAYA OTOMOTIV MAMULLERI PAZARLAMA SANAYI VE TICARET ANONIM SIRKETI, N.1 Yedpa Tic. Merk. A Caddesi, No:11-12 Mimar Sinan Mahallesi, Istanbul 34779, Turkey; Tax ID No. 6990324615 (Turkey); Business Registration Number 157085 (Turkey) [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.

53. ENGELSSKOE PRIBOROSTROITELNOE OBYEDINENIE SIGNAL (a.k.a. "EPO SIGNAL"), KV-L 1-I, Privolzhskii 413119, Russia; Tax ID No. 6449042991 (Russia); Registration Number 1026401974972 (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.

54. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU MANOMETR (a.k.a. MANOMETR LIMITED LIABILITY COMPANY; a.k.a. MANOMETR OOO), Engels-19, Saratov Region 413119, Russia; Tax ID No. 7709623086 (Russia); Registration Number 1057747672674 (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.

55. GRIFFON FZC, P.O. Box 514057, Saif Zone, Sharjah, United Arab Emirates; License 16523 (United Arab Emirates); Economic Register Number (CBLIS) 11618197 (United Arab Emirates) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the aerospace sector of the Russian Federation economy.

56. JOINT STOCK COMPANY NOVOSIBIRSK INSTRUMENT MAKING PLANT (a.k.a. AKTSIONERNOE OBSHCHESTVO NOVOSIBIRSKII PRIBOROSTROITELNYI ZAVOD; a.k.a. "AO NPZ"), Ul. Dusi Kovalchuk D. 179/2, Novosibirsk 630049, Russia; Tax ID No. 5402534261 (Russia); Registration Number 1115476008889 (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.

57. JOINT STOCK COMPANY SCIENTIFIC AND TECHNICAL COMPANY AZIMUT PHOTONICS (a.k.a. ZAO NTK AZIMUTH PHOTONICS), Ul. Lipetskaya D. 10, K. 2, KV 125, Moscow 115404, Russia; Tax ID No. 7706724914 (Russia); Registration Number 1097746561219 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

58. LIMITED LIABILITY COMPANY DM TECHNOLOGIES, Proezd Starpetrovskii D. 1A, Pomeshch. 3/1, Moscow 125130, Russia; Tax ID No. 9725082127 (Russia); Registration Number 1227700242252 (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.

59. UMAC LLC (a.k.a. LIMITED LIABILITY COMPANY YUMAK), Ul. Krasnobogatyrskaya D. 44, Str. 1, Moscow 107076, Russia; Tax ID No. 7727655443 (Russia); Registration Number 1087746781572 (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.

60. WEITMANN HANDELN ALLIANZ LLC (a.k.a. OBSHESTVO S OGRANICHENNOY OTVETSTVENNOSTYU VAYTMENN KHANDELN ALYANS), Str. Fatyanova 43, Liter A, Bishkek 720001, Kyrgyzstan; Tax ID No. 02408202210629 (Kyrgyzstan); Registration Number 31562175 (Kyrgyzstan) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

61. JOINT STOCK COMPANY KAMENSKVOLOKNO, Ul. Saprygina D. 1, Kamensk Shakhtisky 347801, Russia; Tax ID No. 6147019153 (Russia); Registration Number 1026102103466 (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.

62. LIMITED LIABILITY COMPANY SCIENTIFIC RESEARCH INSTITUTE FOR PRECISION MECHANICS (a.k.a. NUACHNO ISSLEDOVATELSKII INSTITUT TOCHNOI MEKHANIKI), Ul. Lenina D. 39, Chelyabinsk 454902, Russia; Tax ID No. 7453288132 (Russia); Registration Number 1157453010670 (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.

63. AKTSIONERNOE OBSHCHESTVO PROMYSHLENNYE TEKHNologii (a.k.a. AO PROMTEKH; a.k.a. CLOSED JOINT STOCK COMPANY INDUSTRIAL TECHNOLOGIES), Pr-Kt Nauki D. 14, K. 5, Pomesch. 7, Dubna 141984, Russia; Tax ID No. 5024101198 (Russia); Registration Number 1085024625510 (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.

64. LIMITED LIABILITY COMPANY PROMTEKHPOSTAVKA (a.k.a. LIMITED LIABILITY COMPANY PROMTEHPOSTAVKA), Ter. Grinvud Str. 9, Pomesch. 123, Putilkovo 143440, Russia; Tax ID No. 5024190818 (Russia); Registration Number 1185053042350 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the electronics sector of the Russian Federation economy.

65. AUTONOMOUS NONPROFIT ORGANIZATION INSTITUTE OF MARINE INSTRUMENTATION AND ROBOTICS (a.k.a. INSTITUT MORSKOGO PRIBOROSTROENIYA I ROBOTOTEKHNIKI), Ul. Universitetskaya D. 31, Pom. 2.8, Sevastopol, Ukraine; Tax ID No. 9200000727 (Russia); Registration Number 1209200006366 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the

technology sector of the Russian Federation economy.

66. FEDERAL STATE ENTERPRISE ANOZIT, Ul. Sadovoe Koltso, D. 1, Samara 632380, Russia; Tax ID No. 5452112527 (Russia); Registration Number 1065471010340 (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.

67. JOINT STOCK COMPANY BRYANSK CHEMICAL PLANT OF THE 50TH ANNIVERSARY OF THE USSR (a.k.a. JOINT STOCK COMPANY BRYANSK CHEMICAL PLANT OF 50 YEARS OF USSR), Ul. Promploshchadka D 1, Seltso 241550, Russia; Tax ID No. 3255517496 (Russia); Registration Number 1113256022505 (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.

68. AIRCRAFT COMPONENTS LOGISTICS LTD (a.k.a. "ACS LOGISTICS"; a.k.a. "LIMITED LIABILITY COMPANY AVIATION COMPONENTS LOGISTICS"), Ul. Vesny, D. 34, Pomeshch. 128, Krasnoyarsk 660077, Russia; 24 Vodopyanova St., Office 2, Krasnoyarsk 660098, Russia; Tax ID No. 2465288353 (Russia); Registration Number 1132468013776 (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.

69. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU SIGNAL-INVEST (a.k.a. LIMITED LIABILITY COMPANY SIGNAL-INVEST; a.k.a. SIGNAL-INVEST OOO), ul. 5-1 Kvartal, Engels-19 Mkr, Privolzhski 413119, Russia; Tax ID No. 6449031372 (Russia); Registration Number 1026401975973 (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.

70. SIGNAL-TEPLOTEKHNIKA OOO (a.k.a. SIGNAL TEPLOTEKHNIKA), ul. Dalnyaya d.5 a, Privolzhski 413110, Russia; Tax ID No. 6449073453 (Russia); Registration Number 1146449001687 (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.

71. LIMITED LIABILITY COMPANY ENGINEERING FIRM AB UNIVERSAL (a.k.a. INZHENERNAYA FIRMA AB UNIVERSAL), Pr-D Kashirskii D.13, Moscow 115201, Russia; Tax ID No. 5027000367 (Russia); Registration Number 1035010950974 (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.

72. LIMITED LIABILITY COMPANY NISSA DIGISPACE, Proezd Mukomolnyi D. 4A, Str. 2, Floor/Kom. 2/207, Moscow 123290, Russia; Tax ID No. 7731581138 (Russia); Registration Number 1077763331623 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

73. LIMITED LIABILITY COMPANY TSVETNOY MIR (a.k.a. TSVETNOI MIR; a.k.a. "COLOR WORLD LTD"), Ul. Very Voloshinoy D. 27, Kv. 72, Mytishchi 141014, Russia; Tax ID No. 5029114546 (Russia); Registration Number 1085029004257 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

74. MYTISHCHI INSTRUMENT ENGINEERING PLANT (a.k.a. LIMITED LIABILITY COMPANY MYTISHINSKY INSTRUMENT MAKING PLANT; a.k.a. MYTISHCHINSKII PRIBOROSTROITELNYI ZAVOD; a.k.a. "MIEP LLC"), 1-I Silikatnyi Per D.12, Mytishchi 141004, Russia; Tax ID No. 5029217125 (Russia); Registration Number 1175029001641 (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.

75. PICASO 3D LLC (a.k.a. LIMITED LIABILITY COMPANY PIKASO 3D), Pr-D 4922-I D. 4, Str. 3, Floor 3, Pom.I Komna 21, Zelenograd 124460, Russia; Tax ID No. 7735607524 (Russia); Registration Number 1147748027460 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

76. JOINT STOCK COMPANY TYUMEN BATTERY FACTORY (a.k.a. TYUMEN ACCUMULATOR PLANT), 103, Yamskaya Street, Tyumen 625001, Russia; Tax ID No. 7204001630 (Russia); Registration Number 1027200797392 (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.

77. KURSKII AKKUMULYATORNYI ZAVOD, Pr-t Leninskogo Komsomola D. 40, Office 116, Kursk 305026, Russia; Tax ID No. 4632167682 (Russia); Registration Number 1124632011217 (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.

78. MOTORINVEST, D.71, Grebenkino 399775, Russia; Tax ID No. 4810004427 (Russia); Registration Number 1114811000370 (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.

79. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU GAS (a.k.a. "OOO GAS"), PR-KT Novocherkasskii D.37, Korp.1, Saint Petersburg 195112, Russia; Tax ID No. 7806049300 (Russia); Registration Number 1027804186673 (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.

80. SIBAVTORESURS, Ul. Sadovaya D.200, Novosibirsk 630000, Russia; Ul. Bolshaya ZD. 254/8, Novosibirsk 630032, Russia; Tax ID No. 5405177090 (Russia); Registration Number 1025401934502 (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.

81. SPETSIALNOE KONSTRUKTORSKO TEKHNOLOGICHESKOE BYURO PLASTIK (a.k.a. SKTB PLASTIK), Shosse Saratovskoe D.4, Syzran 446025, Russia; Tax ID No. 6325044629 (Russia); Registration Number 1076325002192 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

82. ZAKRYTOE AKTSIONERNOE OBSHCHESTVO MNOGOPROFILNAYA PROIZVODSTVENNAYA KOMMERCHESKAYA FIRMA ALKOR (a.k.a. ZAO MPFK ALKOR), Ul. Veteranov Truda D.46, Tyumen 625017, Russia; Tax ID No. 7204015103 (Russia); Registration Number 1027200774040 (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.

83. AO EIRBURG (a.k.a. AKTSIONERNOE OBSHCHESTVO EIRBURG; a.k.a. "JSC AIRBURG"; a.k.a. "OKB UZGA, OOO"), ul. 8, Marta Str. 49, Floor 3, Yekaterinburg, Sverdlovsk Oblast 6200063, Russia; Website air-burg.ru; Organization Established Date 09 Jul 2021; alt. Organization Established Date 08 Oct 2013; Organization Type: Manufacture of air and spacecraft and related machinery; Tax ID No. 6671172432 (Russia); Government Gazette Number 49681112 (Russia); Business Registration Number 1216600040194 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

84. JOINT STOCK COMPANY IZHEVSK ELECTROMECHANICAL PLANT KUPOL (Cyrillic: АКЦИОНЕРНОЕ ОБЩЕСТВО ИЖЕВСКИЙ ЭЛЕКТРОМЕХАНИЧЕСКИЙ ЗАВОД КУПОЛ) (a.k.a. AKTSIONERNOE OBSHCHESTVO IZHEVSKI ELEKTROMEKHANICHESKI ZAVOD KUPOL; a.k.a. AO IEMZ KUPOL (Cyrillic: АО ИЭМЗ КУПОЛ); a.k.a. JSC IEMZ KUPOL), ul. Pesochnaya 3, Izhevsk, Udmurtia Republic 426033, Russia (Cyrillic: УЛИЦА ПЕСОЧНАЯ, 3, Город Ижевск, РЕСПУБЛИКА УДМУРТСКАЯ 426033, Russia); Website www.kupol.ru; Organization Established Date 23 Apr 2002; alt. Organization Established Date 1957; Tax ID No. 1831083343 (Russia); Government Gazette Number 07502963 (Russia); Business Registration Number 1021801143374 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

85. LAGGAR PRO, ООО (Cyrillic: ООО ЛАГГАР ПРО) (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU LAGGAR PRO (Cyrillic: ОБЩЕСТВО С ОГРАНИЧЕННОЙ ОТВЕТСТВЕННОСТЬЮ ЛАГГАР ПРО)), ul. Ovarazhnaya, Str. 190B, Pomeshch. 19, Afonino, Nizhni Novgorod Oblast 607680, Russia (Cyrillic: УЛИЦА ОВРАЗЖНАЯ, ДОМ 190Б, ПОМЕЩЕНИЕ 19, АФОНИНО, ОБЛАСТЬ НИЖЕГОРОДСКАЯ 607680, Russia); Organization Established Date 15 Jun 2018; Tax ID No. 5250070144 (Russia); Government Gazette Number 29336583 (Russia); Business Registration Number 1185275034218 (Russia) [RUSSIA-EO14024] (Linked To: JOINT STOCK COMPANY IZHEVSK ELECTROMECHANICAL PLANT KUPOL).

Designated pursuant to section 1(a)(vi)(B) of E.O. 14024 for having materially assisted, supported, sponsored, or provided financial, material, or technological support for, or goods and services to or in support of Joint Stock Company Izhevsk Electromechanical Plant Kupol, a person whose property and interests in property are blocked pursuant to E.O. 14024.

86. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU NPK AEROKON (Cyrillic: ОБЩЕСТВО С ОГРАНИЧЕННОЙ ОТВЕТСТВЕННОСТЬЮ НПК АЭРОКОН) (a.k.a. ООО НПК АЭРОКОН (Cyrillic: ООО НПК АЭРОКОН); a.k.a. "AEROKON, ООО" (Cyrillic: "ООО АЭРОКОН")), ul. Tsentralnaya, D. 18, Chernyshevka, Republic of Tatarstan 422710, Russia (Cyrillic: УЛ. ЦЕНТРАЛЬНАЯ, Д.18, Чернышевка, Республика Татарстан 422710, Russia); Organization Established Date 11 Dec 2022; Organization Type: Manufacture of air and spacecraft and related machinery; Tax ID No. 1657007195 (Russia); Government Gazette Number 27858018 (Russia); Business Registration Number 1021603148830 (Russia) [RUSSIA-EO14024] (Linked To: JOINT STOCK COMPANY IZHEVSK ELECTROMECHANICAL PLANT KUPOL).

Designated pursuant to section 1(a)(vi)(B) of E.O. 14024 for having materially assisted, supported, sponsored, or provided financial, material, or technological support for, or goods and services to or in support of Joint Stock Company Izhevsk Electromechanical Plant Kupol, a person whose property and interests in property are blocked pursuant to E.O. 14024.

87. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU PLAZ (Cyrillic: ОБЩЕСТВО С ОГРАНИЧЕННОЙ ОТВЕТСТВЕННОСТЬЮ ПЛАЗ) (a.k.a. "PLAZ, ООО" (Cyrillic: "ООО ПЛАЗ")), ul. Politekhnikeskaya, D. 22, Lit. V, Pomeshch. 1-N, Saint Petersburg, Northwest Federal Region 194021, Russia (Cyrillic: УЛ. ПОЛИТЕХНИЧЕСКАЯ, Д. 22, ЛИТЕР В, ПОМЕЩ. 1-Н, Санкт-петербург, Санкт-петербург 194021, Russia); Organization Established Date 06 May 2006; Tax ID No. 7816388172 (Russia); Government Gazette Number 94599428 (Russia); Business Registration Number 5067847004341 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

88. TSK VEKTOR, ООО (Cyrillic: ООО ТСК ВЕКТОР) (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU TSK VEKTOR), d. 235, kv. 70, ul. Sevastopolskaya, Irkutsk, Irkutsk Oblast 664048, Russia (Cyrillic: Д. 235, КВ. 70, УЛ. СЕВАСТОПОЛЬСКАЯ, Город Иркутск, Иркутская Область 664048, Russia);



Organization Established Date 06 Oct 2015; Tax ID No. 3849055365 (Russia); Government Gazette Number 16492258 (Russia); Business Registration Number 1153850042246 (Russia) [RUSSIA-EO14024] (Linked To: JOINT STOCK COMPANY IZHEVSK ELECTROMECHANICAL PLANT KUPOL).

Designated pursuant to section 1(a)(vi)(B) of E.O. 14024 for having materially assisted, supported, sponsored, or provided financial, material, or technological support for, or goods and services to or in support of Joint Stock Company Izhevsk Electromechanical Plant Kupol, a person whose property and interests in property are blocked pursuant to E.O. 14024.

89. BEIJING YUNZE TECHNOLOGY CO., LTD. (Chinese Simplified: 北京云泽科技有限公司), Room 603, Floor 6, Building 4, Wulidian Area 1, Fengtai District, Beijing, China; Organization Established Date 21 Aug 2013; Unified Social Credit Code (USCC) 91110106076601507N (China) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(vi)(B) of E.O. 14024 for having materially assisted, supported, sponsored, or provided financial, material, or technological support for, or goods and services to or in support of PRIVATE MILITARY COMPANY 'WAGNER', a person whose property and interests in property are blocked pursuant to E.O. 14024.

90. CHANG GUANG SATELLITE TECHNOLOGY CO., LTD. (Chinese Simplified: 长光卫星科技有限公司) (a.k.a. CHANGGUANG SATELLITE CO., LTD.; a.k.a. "CHARMING GLOBE"), No. 1299, Mingxi Road, Beihu Science Technology Development District, Changchun, Jilin, China; Organization Established Date 2014; Unified Social Credit Code (USCC) 91220101310012867G (China) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(vi)(B) of E.O. 14024 for having materially assisted, supported, sponsored, or provided financial, material, or technological support for, or goods and services to or in support of PRIVATE MILITARY COMPANY 'WAGNER', a person whose property and interests in property are blocked pursuant to E.O. 14024.

91. LIMITED LIABILITY COMPANY VOLGOGRADPROMPROEKT, Ul. Promyslovaya, D. 47, Volgograd 400057, Russia; Tax ID No. 3447025850 (Russia); Registration Number 1073461005672 (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.

92. FUTURIS FZE, SAIF Office, P8-08-37, PO Box 122788, Sharjah, United Arab Emirates; License 14541 (United Arab Emirates); Economic Register Number (CBLS) 11613852 (United Arab Emirates) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

93. OOO SMARTLOGISTER (a.k.a. SMART LINES TRADING FZC; a.k.a. SMARTLOGISTER), pr-t Vernadskogo, d. 29, Business Center Leto, office 804A, Moscow, Russia; ul. Vvedenskogo, d. 23A, str. 3, et. 6, pom. XX, kom. 62, of. 1I, Moscow 117342, Russia; ul. Krupskoi 19/17, a/ya 108, Moscow 119331, Russia; Venture Zone Business Center, office no. 1703, Dubai, United Arab Emirates; PO Box 1828, Sohar Free Zone,

Sohar, North Al Batinah Governate 130, Oman; Tax ID No. 7728356076 (Russia); License L2032319 (Oman); alt. License L2125557 (Oman); Registration Number 5167746459084 (Russia); alt. Registration Number 1466126 (Oman) [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.

94. LIMITED LIABILITY COMPANY AGRISOVGAS, Ul. Mirnaya D. 3, Maloyaroslavets 249092, Russia; Sector A, Floor 8, Moscow International Business Center, Tower 2000, 23A Tarasa Shevchenko Embankment, Moscow 121151, Russia; 51st Industrialniy Proezd, Fyodorovskoye Industrial Park, Annolovo Settlement, Tosnenskiy District, Leningrad Region 187046, Russia; Tax ID No. 4011003730 (Russia); Registration Number 1024000691725 (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.

95. LIMITED LIABILITY COMPANY BITVAN, Trakt Troitskii D. 9, Office 3, Chelyabinsk 454053, Russia; Tax ID No. 7451298738 (Russia); Registration Number 1107451004979 (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.

96. LIMITED LIABILITY COMPANY INVENT (a.k.a. "INVENT LTD"), Ul. Marata D. 15, Nizhny Novgorod 603002, Russia; Tax ID No. 5257114908 (Russia); Registration Number 1105257000970 (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.

97. LIMITED LIABILITY COMPANY METALLMASH, Ul. Dinamovskaya D. 1A, Office 231, Moscow 109044, Russia; Tax ID No. 9705075682 (Russia); Registration Number 1167746860005 (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.

98. LIMITED LIABILITY COMPANY METALMASTER, Pr-d 4-I Roshchinskii D. 18, Str. 7, Moscow 115191, Russia; Tax ID No. 7725844340 (Russia); Registration Number 5147746191005 (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.

99. SINO MACHINERY CO., LTD. (Chinese Simplified: 安徽新诺精工股份有限公司) (f.k.a. HUANGSHAN WANNAN MACHINERY CO., LTD.), No. 51 West Huancheng Road, Yansi Town, Huizhou District, Huangshan, Anhui 245900, China; Website [www.sinocnc.com.cn](http://www.sinocnc.com.cn); Organization Established Date 25 Aug 2017; Unified Social Credit Code (USCC) 91341000MA2NY77U6X (China) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

100. A T S HEAVY EQUIPMENT AND MACHINERY SPARE PARTS TRADING LLC (a.k.a. "ATS HEAVY EQUIPMENT"), Office 02, Span Precast, DIP 2, Dubai, United Arab Emirates; License 770917 (United Arab Emirates); Economic Register Number (CBLS) 10948598 (United Arab Emirates) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the aerospace sector of the Russian Federation economy.

101. AMC SERVICE FZE (a.k.a. AMC SERVICE FZC; a.k.a. "AIRCRAFT MAINTENANCE CENTER FZC"), Q3 95, Block Q3 Street G Floor, Al Ruqa Al Hamra, Sharjah, United Arab Emirates; License 10646 (United Arab Emirates); alt. License 4898 (United Arab Emirates); Economic Register Number (CBLS) 11613307 (United Arab Emirates); alt. Economic Register Number (CBLS) 11613308 (United Arab Emirates) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the aerospace sector of the Russian Federation economy.

102. ASPECT DWC LLC, Business Center, Dubai World Central, PO Box 390667, Dubai, United Arab Emirates; License 8198 (United Arab Emirates); Economic Register Number (CBLS) 11455387 (United Arab Emirates) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the aerospace sector of the Russian Federation economy.

103. RDS CARGO GROUP DWC LLC, Warehouse number RS 18, Dubai Logistics City, Freight Complex 3, Al Maktoum International, Dubai, United Arab Emirates; License 6678 (United Arab Emirates); Economic Register Number (CBLS) 11455718 (United Arab Emirates) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

104. RELIABLE FREIGHT SERVICES FZCO, Dubai Airport Freezone, Unit K03, PO Box 371935, Dubai, United Arab Emirates; License 4091 (United Arab Emirates); Economic Register Number (CBLS) 11607475 (United Arab Emirates) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

105. SKYPARTS FZCO, Dubai Airport Free Zone Authority 9WA 111, Dubai, United Arab Emirates; License 5218 (United Arab Emirates); Economic Register Number (CBLS) 11915852 (United Arab Emirates) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the aerospace sector of the Russian Federation economy.

106. AKTSIONERNOE OBSHCHESTVO OBEDINENNAYA INVESTITSIONNAYA GRUPPA (a.k.a. JOINT STOCK COMPANY UNITED INVESTMENT GROUP), Nab. Pirogovskaya D. 21, Lit. A, Pom/Kom 8-N/4, OF 57, Saint Petersburg 195277, Russia; Organization Established Date 11 Jun 2019; Target Type Financial Institution; Tax ID No. 7802691764 (Russia); Registration Number 1197847134704 (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.

107. FEDERAL STATE ENTERPRISE KAMENSKY COMBINE (a.k.a. FEDERALNOE KAZENNOE PREDPRIYATIE KOMBINAT KAMENSKI; a.k.a. KOMBINAT KAMENSKI FKP; a.k.a. "KOMBINAT KAMENSKII"), Ul. Saprygina D.8, Kamensk-Shakhtinskiy 347801, Russia; Tax ID No. 6147025090 (Russia); Registration Number 1066147003658 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

108. JOINT STOCK COMPANY 75 ARSENAL (a.k.a. AKTSIONERNOE OBSHCHESTVO 75 ARSENAL), Sh. Moskovskoe, Serpukhov 142204, Russia; Tax ID No. 5043040350 (Russia); Registration Number 1105043000622 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

109. JOINT STOCK COMPANY KARACHEV PLANT ELECTRODETAL, Ul. Gorkogo D. 1, Karachev 242500, Russia; Tax ID No. 3254511340 (Russia); Registration Number 1113256013419 (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.

110. JOINT STOCK COMPANY RIF (a.k.a. "AKTSIONERNOE OBSHCHESTVO RIF"), Ul. 13 Ya Liniya D.93, Rostov Na Donu 344019, Russia; Tax ID No. 6167003345 (Russia); Registration Number 1026104149829 (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.

111. JOINT STOCK COMPANY STROMMASHINA SHIELD (a.k.a. AKTSIONERNOE OBSHCHESTVO STROMMASHINA SHCHIT), Ul. 22 Partsyezda D. 10A, Samara 443022, Russia; Tax ID No. 6318196490 (Russia); Registration Number 1116318008135 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

112. JOINT STOCK COMPANY YAROSLAVL RADIOWORKS (a.k.a. AKTSIONERNOE OBSHCHESTVO YAROSLAVSKIY RADIOZAVOD), 13, Margolin Street, Yaroslavl 150010, Russia; Tax ID No. 7601000086 (Russia); Registration Number 1027600980990 (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.

113. LIMITED LIABILITY COMPANY EXPERIMENTAL DESIGN BUREAU TEKHNIKA (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU OPYTNO KONSTRUKTORSKOE BYURO TEKHNIKA), Ul. Novaya Zarya D.6, Moscow 115191, Russia; Tax ID No. 7725568298 (Russia); Registration Number 1067746522392 (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.

114. RIF CORPORATION, Ul. Dorozhnaya D 17/2, Voronezh 394062, Russia; Tax ID No. 3665009866 (Russia); Registration Number 1023601542546 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the electronics sector of the Russian Federation economy.

115. EKOS1 JOINT STOCK COMPANY (a.k.a. AO EKOS1), Ul. Elektrozavodskaya D. 24, Str 3, Moscow 107023, Russia; A/YA Post Box 42, Moscow 107076, Russia; Tax ID No. 7729328949 (Russia); Registration Number 1027739085252 (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.

116. ELFOR TL, Ul. Sushchevskii Val D.9, Str.1, Moscow 127018, Russia; Ul. Yasenevaya D. 5, K. 2, Sosenki 108814, Russia; Tax ID No. 7703291469 (Russia); Registration Number 1027700337686 (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.

117. FOTONIKS KLAUD (a.k.a. PHOTONICS CLOUD), Ul. Yasenevaya D. 5, K. 1, Floor 1, Office #V/8, Sosenki 108814, Russia; Ul. Sosnovaya D. 1B, Der. Sosenki, Moscow 108814, Russia; Tax ID No. 7751175688 (Russia); Registration Number 1207700027501 (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.

118. LABSAINTIFIK, Mkr Yubileinyi, Ul. Komitetskaya D. 7A, Pomeshch. 08, Office 7, Korolev 141090, Russia; Tax ID No. 5018203360 (Russia); Registration Number 1205000019510 (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.

119. LIMITED LIABILITY COMPANY TENRON, Ul. Saikina D. 13, K. 1, Moscow 115193, Russia; Tax ID No. 7710643062 (Russia); Registration Number 5067746491930 (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.

120. OOO MONITORING, Moskovskii Pr 19, Saint Petersburg 190005, Russia; Pr-Kt Novoizmailovskii D. 67, K. 2, Pom. 5N, Lit. A, Saint Petersburg 196247, Russia; Ul. Bumazhnaya D. 17, Lit. B, Saint Petersburg, Russia; Tax ID No. 7810728739 (Russia); Registration Number 1027804891476 (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.

121. SIGMA TEKH, Ul. Inzhenernaya D. 28, Novosibirsk 630090, Russia; Tax ID No. 5408264672 (Russia); Registration Number 1085473011678 (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.

122. ATOMSPETSPROJECT JOINT STOCK COMPANY (a.k.a. CLOSED JOINT STOCK COMPANY MOSINTERM), Ul. Svyazistov D. 9, Krasnoznamensk 143090, Russia; Tax ID No. 5006008848 (Russia); Registration Number 1035001500137 (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.

123. DUBNA SWITCHING EQUIPMENT PLANT (a.k.a. AKTSIONERNOE OBSHCHESTVO DUBNENSKII ZAVOD KOMMUTATSIONNOI TEKHNIKI; a.k.a. JOINT STOCK COMPANY DUBNA PLANT OF SWITCHING EQUIPMENT; a.k.a. JOINT STOCK COMPANY DUBNENSKY PLANT OF SWITCHING EQUIPMENT), Pr-Kt Nauki D. 14, K. 1, Pomeshch. 39, Dubna 141984, Russia; Tax ID No. 5010056160 (Russia); Registration Number 1195081030781 (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.

124. JOINT STOCK COMPANY AEROSPACE SYSTEMS DESIGN BUREAU (a.k.a. AO OKB AEROKOSMICHESKIE SISTEMY; a.k.a. JOINT STOCK COMPANY DESIGN BUREAU AEROSPACE SYSTEMS; a.k.a. JSC EDB AEROSPACE SYSTEMS; a.k.a. JSC EXPERIMENTAL DESIGN BUREAU AEROSPACE SYSTEMS), Ul. Programmistov D. 4, Dubna 141983, Russia; Tax ID No. 5010041950 (Russia); Registration Number 1105010002240 (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.

125. JOINT STOCK COMPANY DIGITAL MANUFACTORY, Pr-Kt Nauki D. 14, K. 1, Kabinet 501, Dubna 141984, Russia; Ul. Programmistov, D. 4, Dubna 141983, Russia; Tax ID No. 5010058760 (Russia); Registration Number 1215000095750 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

126. JOINT STOCK COMPANY DUBNA CABLE PLANT (a.k.a. AKTSIONERNOE OBSHCHESTVO DUBNENSKII KABELNYI ZAVOD; a.k.a. JOINT STOCK COMPANY DUBNENSKY CABLE PLANT), Pr-Kt Nauki D. 14, K. 4, Dubna 141983, Russia; Tax ID No. 5010054903 (Russia); Registration Number 1185007007261 (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.

127. JOINT STOCK COMPANY PROMTECH DUBNA (a.k.a. AO PROMTEKH DUBNA), Ul. Programmistov D. 4, Dubna 141983, Russia; Tax ID No. 5010041037 (Russia); Registration Number 1105010000974 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the electronics sector of the Russian Federation economy.

128. JOINT STOCK COMPANY PROMTECH SERVICE (a.k.a. CLOSED JOINT STOCK COMPANY PROMTEH SERVIS), Ul. Programmistov D. 4, Dubna 141983, Russia; Tax ID No. 5006013990 (Russia); Registration Number 1105015000496 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the electronics sector of the Russian Federation economy.

129. JOINT STOCK COMPANY PROMTECH ULYANOVSK (a.k.a. JOINT STOCK COMPANY PROMTEKH ULYANOVSK), Proezd Pervykh Rezidentov D. 9, Portovaya Osobaya Ekonomicheskaya Zona, Ulyanovsk 433405, Russia; Tax ID No. 7329009137 (Russia); Registration Number 1137329000060 (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.

130. CHAMAIYATI DOROI MASAULIYATI MAKHDUDI KAFOLATI KOMIL, Nokhiyai Shokhmansur, Str. M, Mastongulov, Dushanbe, Tajikistan; Tax ID No. 010099789 (Tajikistan); Registration Number 0110023953 (Tajikistan) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the aerospace sector of the Russian Federation economy.

131. INTERMODAL MALDIVES, 20264 M. M. Aanooru, 1st Floor, Asaree Hingun, Male, Maldives; Registration Number SP-0663/2022 (Maldives) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the aerospace sector of the Russian Federation economy.

132. JOINT STOCK COMPANY KRASNOZNAMENSK SEMICONDUCTORS FACTORY ARSENAL (a.k.a. JOINT STOCK COMPANY KRASNOZNAMENSKIY PLANT OF SEMICONDUCTOR DEVICES ARSENAL), Ul. Svyazistov D. 9, Office 1,



Krasnoznamensk 143090, Russia; Tax ID No. 5006237189 (Russia); Registration Number 1115032003074 (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.

133. JOINT STOCK COMPANY PROMTEKH IRKUTSK (a.k.a. AKTSIONERNOE OBSHCHESTVO PROMTEKH IRKUTSK), Ul. Traktovaya D. 31, Irkutsk 664014, Russia; Tax ID No. 3810058501 (Russia); Registration Number 1153850024723 (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.

134. JOINT STOCK COMPANY PROMTEKH KAZAN (a.k.a. AKTSIONERNOE OBSHCHESTVO PROMTEKH KAZAN), Ul. Dementyeva D. 1, K. 206, Kazan 420127, Russia; Tax ID No. 1661051599 (Russia); Registration Number 1161690188857 (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.

135. LIMITED LIABILITY COMPANY PRIUS ELECTRONICS (a.k.a. PRIUS ELEKTRONICS), Ul. Bolshaya Akademicheskaya D. 44, K. 2, Floor Pomeschch. Kom. 9, XIV, 6, 6A, Moscow 127434, Russia; Tax ID No. 7743353866 (Russia); Registration Number 1217700042230 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the electronics sector of the Russian Federation economy.

136. MORDOVIA RADIO ELECTRONIC COMPANY (a.k.a. JOINT STOCK COMPANY MORDOV RADIOELECTRONIC COMPANY; a.k.a. "AO MPK"), Ul. Bolshaya Akademicheskaya D. 44, Korp. 2, Moscow 127550, Russia; Tax ID No. 1324000130 (Russia); Registration Number 1111324000501 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the electronics sector of the Russian Federation economy.

137. PROMTECHKOMPLEKT JSC (a.k.a. AO PROMTEKHKOMPLEKT; a.k.a. CLOSED JOINT STOCK COMPANY PROMTEHKOMPLEKT), 69 Km Mkad, Business Park Grinvud Str. 9, Putilkovo 143441, Russia; Tax ID No. 5032030550 (Russia); Registration Number 1035006458772 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the electronics sector of the Russian Federation economy.

138. IZZITION E-TECHNOLOGY CO., LIMITED (Chinese Traditional: 伊奇信電子科技有限公司), Room 1001, Jiahe Building A, Zhong Hang Rd., Huaqiang No11h Subdistrict, Futian District, Shenzhen, China; Flat 1506, 15/F, Lucky Center, No. 165-171 Wan Chai Road, Hong Kong, China; RM 29, 22/F, Yan's Tower, 25-27 Wong Chuk Hang Road,

Aberdeen, Hong Kong, China; Organization Established Date 23 Mar 2006; Commercial Registry Number 1033045 (Hong Kong) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the electronics sector of the Russian Federation economy.

139. WAYTOP INDUSTRIAL LIMITED (Chinese Traditional: 迅高實業有限公司), Rm E 7/F Genesis, Aberdeen, Hong Kong, China; Unit 7, 17/F., Rightful Centre, Nos. 11-12 Tak Hing Street, Jordan, Kln, Hong Kong, China; Organization Established Date 10 Aug 2007; Commercial Registry Number 1157470 (Hong Kong) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the electronics sector of the Russian Federation economy.

140. PUBLIC JOINT STOCK COMPANY CHELYABINSKIY MASHINOSTROITEL'NIY ZAVOD AVTOMOBIL'NYKH PRITSEPOV URALAVTOPRITSEP, 5, Ulica Hlebozavodskaya, Chelyabinsk 454038, Russia; Tax ID No. 7450003445 (Russia); Registration Number 1027402815362 (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.

141. SIBELECTROPRIVOD LLC (a.k.a. SIBELEKTROPRIVOD), Ul. Petukhova D. 69, Novosibirsk 630088, Russia; Tax ID No. 5401232181 (Russia); Registration Number 1045400530922 (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.

142. PUBLICHNOE AKTSIONERNOE OBSHCHESTVO CITY (f.k.a. OTKRYTOE AKTSIONERNOE OBSHCHESTVO CITY; a.k.a. PUBLICHNOE AKTSIONERNOE OBSHCHESTVO SITI; a.k.a. "CITY PUBLIC JOINT STOCK COMPANY"; a.k.a. "MANAGEMENT COMPANY MOSCOW CITY"; a.k.a. "SITI PAO"), 9 Nab Frunzenskaya, Moscow 119146, Russia; d. 6 str. 2 etazh 2 Pomesch.I kom. 33, 34, Naberezhnaya Presnenskaya, Moscow 123112, Russia; Organization Established Date 22 May 1992; Tax ID No. 7704026946 (Russia); Government Gazette Number 17434671 (Russia); Registration Number 1027700068440 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the construction sector of the Russian Federation economy.

143. AKTSIONERNOE OBSHCHESTVO IRKUTSKKABEL, d. 1, ul. Industrialnaya Shelekhov, Irkutsk 666033, Russia; Organization Established Date 10 Oct 2002; Tax ID No. 3821000937 (Russia); Registration Number 1023802256015 (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.

144. AKTSIONERNOE OBSHCHESTVO MARPOSADKABEL (a.k.a. AO MARPOSADKABEL), Ul. Nikolaeva 93-V, Mariinskiy Posad 429570, Russia; Organization

Established Date 26 Apr 2004; Tax ID No. 2111006918 (Russia); Registration Number 1042135001600 (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.

145. JOINT STOCK COMPANY ZAVOD CHUVASHKABEL (a.k.a. CHEBOKSARSKU ZAVOD KABELNYKH IZDELI CHUVASHKABEL OAO; a.k.a. ZAVOD CHUVASHKABEL AO), Pr-D Kabelnyi D, 7, Cheboksary 428037, Russia; Tax ID No. 2127009135 (Russia); Registration Number 1022100967635 (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.

146. PODOLSKKABEL (a.k.a. AO NP PODOLSKKABEL), Ul. Bronnitskaya D. 11, Podolsk 142103, Russia; Organization Established Date 09 Jun 1941; Tax ID No. 5036002480 (Russia); Registration Number 1025004706825 (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.

147. JOINT STOCK COMPANY SCIENTIFIC AND PRODUCTION ENTERPRISE POLYOT (Cyrillic: АКЦИОНЕРНОЕ ОБЩЕСТВО НАУЧНО ПРОИЗВОДСТВЕННОЕ ПРЕДПРИЯТИЕ ПОЛЕТ), Pl. Komsomolskaya D. 1, Nizhny Novgorod 603011, Russia; Organization Established Date 29 Dec 2011; Tax ID No. 5258100129 (Russia); Registration Number 1115258007688 (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.

148. EXPOBANK JOINT STOCK COMPANY, Ul. Kalanchevskaya D. 29, Str. 2, Moscow 107078, Russia; SWIFT/BIC EXPNRUMM; Website [www.expobank.ru](http://www.expobank.ru); Organization Established Date 27 Jul 1994; Target Type Financial Institution; Tax ID No. 7708397772 (Russia); Legal Entity Number 25340021X4U05MWVZ818; Registration Number 1217700369083 (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.

149. SETTLEMENT NON BANK CREDIT ORGANIZATION METALLURG, 16 Ivana Babushkina, Moscow 117292, Russia; SWIFT/BIC MECCRUM1; Website [www.metallurgbank.ru](http://www.metallurgbank.ru); Organization Established Date 1994; Target Type Financial Institution; Tax ID No. 7703010220 (Russia); Registration Number 1027739246490 (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.

150. LIMITED LIABILITY COMPANY URALHELICOM (a.k.a. URAL HELICOPTER COMPANY; a.k.a. URALSKAYA VERTOLETNAYA KOMPANIYA), Ul. Botanicheskaya D.30, Yekaterinburg 620137, Russia; Tax ID No. 6625029332 (Russia); Registration

Number 1036601478980 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the aerospace sector of the Russian Federation economy.

151. STRELOI EKOMMERTS (a.k.a. STRELOY ECOMMERCE), Per. Dmitrovskii D. 13, Lit. A, Pomeshch. 10-N, Saint Petersburg 191025, Russia; Tax ID No. 7840068335 (Russia); Registration Number 1177847239976 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the electronics sector of the Russian Federation economy.

152. THAMESTONE SA, Rue Du Marche 28, Geneva 1204, Switzerland; Organization Established Date 22 Dec 2014; Tax ID No. 299161819 (Switzerland); Company Number CHE-299.161.819 (Switzerland); Registration Number CH-660.3.487.014-6 (Switzerland) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the electronics sector of the Russian Federation economy.

153. MACRO EMS LTD (a.k.a. OOO MAKRO EMS), Ul. Sveaborgskaya D.12, Lit. A, Saint Petersburg 196105, Russia; Tax ID No. 7810895610 (Russia); Registration Number 1129847011150 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

154. MICRO ELECTRONICS TECHNOLOGIES PTE LTD, 50 Tagore Lane #05-03F, Singapore 787494, Singapore; Organization Established Date 09 Nov 2017; Tax ID No. 201732202G (Singapore) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the electronics sector of the Russian Federation economy.

155. ONSHOR VIND, B-r Zagrebiskii D. 19, K. 1, Lit. A, Kv. 77, Saint Petersburg 192284, Russia; Tax ID No. 7816690721 (Russia); Registration Number 1197847032503 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the electronics sector of the Russian Federation economy.

156. IMAXCHIP TECHNOLOGY CO., LIMITED (Chinese Traditional: 愛瑪芯科技有限公司), Room 705, 7/F. Fa Yuen Commercial Building, No. 75-77, Fa Yuen Street, Mong Kok, Kowloon, Hong Kong, China; 18E, Building 2, China Phoenix Building, Shennan Road, Futian District, Shenzhen 518000, China; Organization Established Date 21 May 2018; Commercial Registry Number 2697983 (Hong Kong); Business Registration Number 69392858 (Hong Kong) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the

electronics sector of the Russian Federation economy.

- B. On January 31, 2024, OFAC updated the entry on the SDN List for the following persons, whose property and interests in property subject to U.S. jurisdiction continue to be blocked under the relevant sanctions authority listed below:

1. EXPOBANK JOINT STOCK COMPANY, Ul. Kalanchevskaya D. 29, Str. 2, Moscow 107078, Russia; SWIFT/BIC EXPNRUMM; Website [www.expobank.ru](http://www.expobank.ru); Organization Established Date 27 Jul 1994; Target Type Financial Institution; Tax ID No. 7708397772 (Russia); Legal Entity Number 25340021X4U05MWVZ818; Registration Number 1217700369083 (Russia) [RUSSIA-EO14024].

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EXPOBANK JOINT STOCK COMPANY, Ul. Kalanchevskaya D. 29, Str. 2, Moscow 107078, Russia; SWIFT/BIC EXPNRUMM; Website [www.expobank.ru](http://www.expobank.ru); Organization Established Date 27 Jul 1994; Target Type Financial Institution; Tax ID No. 7708397772 (Russia); Legal Entity Number 25340021X4U05MWVZ818; Registration Number 1217700369083 (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.

2. SETTLEMENT NON BANK CREDIT ORGANIZATION METALLURG, 16 Ivana Babushkina, Moscow, Russia 117292, Russia; SWIFT/BIC MECCRUM1; Website [www.metallurgbank.ru](http://www.metallurgbank.ru); Organization Established Date 1994; Target Type Financial Institution; Tax ID No. 7703010220 (Russia); Registration Number 1027739246490 (Russia) [RUSSIA-EO14024].

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SETTLEMENT NON BANK CREDIT ORGANIZATION METALLURG, 16 Ivana Babushkina, Moscow 117292, Russia; SWIFT/BIC MECCRUM1; Website [www.metallurgbank.ru](http://www.metallurgbank.ru); Organization Established Date 1994; Target Type Financial Institution; Tax ID No. 7703010220 (Russia); Registration Number 1027739246490 (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.

3. LIMITED LIABILITY COMPANY AVIATEKSIM, Ul. Parkovaya 9-YA D. 37, Korp. 2, Pom. 63, Moscow 105264, Russia; Tax ID No. 7719188717 (Russia); Registration Number 1074345039339 (Russia) [RUSSIA-EO14024].

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LIMITED LIABILITY COMPANY AVIATEKSIM, Ul. Parkovaya 9-YA D. 37, Korp. 2, Pom. 63, Moscow 105264, Russia; Tax ID No. 7719188717 (Russia); Registration Number 1027739516111 (Russia) [RUSSIA-EO14024]

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the aerospace sector of the Russian Federation economy.

4. BERNIKOV, Boris Olegovich, Russia; DOB 11 Mar 1988; POB USSR; nationality Russia; Gender Male; Passport 750772630 (Russia) (individual) [RUSSIA-EO14024].

B. On January 31, 2024, OFAC updated the entry on the SDN List for the following persons, whose property and interests in property subject to U.S. jurisdiction continue to be blocked

under the relevant sanctions authority listed below.

1. EXPOBANK JOINT STOCK COMPANY, Ul. Kalanchevskaya D. 29, Str. 2, Moscow 107078, Russia; SWIFT/BIC EXPNRUMM; website [www.expobank.ru](http://www.expobank.ru); Organization Established Date 27 Jul 1994; Target Type Financial Institution; Tax ID No. 7708397772 (Russia); Legal Entity Number 25340021X4U05MWVZ818; Registration Number 1217700369083 (Russia) [RUSSIA–EO14024].

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EXPOBANK JOINT STOCK COMPANY, Ul. Kalanchevskaya D. 29, Str. 2, Moscow 107078, Russia; SWIFT/BIC EXPNRUMM; website [www.expobank.ru](http://www.expobank.ru); Organization Established Date 27 Jul 1994; Target Type Financial Institution; Tax ID No. 7708397772 (Russia); Legal Entity Number 25340021X4U05MWVZ818; Registration Number 1217700369083 (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.

2. SETTLEMENT NON BANK CREDIT ORGANIZATION METALLURG, 16 Ivana Babushkina, Moscow, Russia 117292, Russia; SWIFT/BIC MECCRUM1; website [www.metallurgbank.ru](http://www.metallurgbank.ru); Organization Established Date 1994; Target Type Financial Institution; Tax ID No. 7703010220 (Russia); Registration Number 1027739246490 (Russia) [RUSSIA–EO14024].

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SETTLEMENT NON BANK CREDIT ORGANIZATION METALLURG, 16 Ivana Babushkina, Moscow 117292, Russia; SWIFT/BIC MECCRUM1; website [www.metallurgbank.ru](http://www.metallurgbank.ru); Organization Established Date 1994; Target Type Financial Institution; Tax ID No. 7703010220 (Russia); Registration Number 1027739246490 (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.

3. LIMITED LIABILITY COMPANY AVIATEKSIM, Ul. Parkovaya 9–YA D. 37, Korp. 2, Pom. 63, Moscow 105264, Russia; Tax ID No. 7719188717 (Russia); Registration

Number 1074345039339 (Russia) [RUSSIA–EO14024].

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LIMITED LIABILITY COMPANY AVIATEKSIM, Ul. Parkovaya 9–YA D. 37, Korp. 2, Pom. 63, Moscow 105264, Russia; Tax ID No. 7719188717 (Russia); Registration Number 1027739516111 (Russia) [RUSSIA–EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the aerospace sector of the Russian Federation economy.

4. BERNIKOV, Boris Olegovich, Russia; DOB 11 Mar 1988; POB USSR; nationality Russia; Gender Male; Passport 750772630 (Russia) (individual) [RUSSIA–EO14024].

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BERNIKOV, Boris Olegovich, Russia; DOB 11 Mar 1988; POB Moscow, Russia; nationality Russia; Gender Male; Passport 750772630 (Russia) (individual) [RUSSIA–EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

5. AKTSIONERNOE OBSHCHESTVO RUST 95 (a.k.a. “AO RUST 95”), Ul. Severnaya D. 12, Kolpino 196655, Russia; Tax ID No. 7445024175 (Russia); Registration Number 1027700457443 (Russia) [RUSSIA–EO14024].

-to-

AKTSIONERNOE OBSHCHESTVO RUST 95 (a.k.a. “AO RUST 95”), Ul. Severnaya D. 12, Kolpino 196655, Russia; Tax ID No. 7728120384 (Russia); Registration Number 1027700457443 (Russia) [RUSSIA–EO14024].

Dated: January 31, 2024.

**Bradley T. Smith,**

*Director, Office of Foreign Assets Control,  
U.S. Department of the Treasury.*

[FR Doc. 2024–02496 Filed 2–6–24; 8:45 am]

**BILLING CODE 4810–AL–P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

### Notice of OFAC Sanctions Actions

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC’s Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC’s determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

### FOR FURTHER INFORMATION CONTACT:

OFAC: Bradley T. Smith, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or Assistant Director for Enforcement, Compliance and Analysis, tel.: 202–622–2490.

### SUPPLEMENTARY INFORMATION:

#### Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC’s website (<https://www.treasury.gov/ofac>).

### Notice of OFAC Actions

On February 2, 2024, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

### Entities

1. ADVANTAGE TRADING CO., LIMITED, Shop 185, Ground Floor, Hang Wai Ind. Centre, No. 6 Kin Tai St., Tuen Mun, N.T., Hong Kong, China; Additional Sanctions Information - Subject to Secondary Sanctions; Organization Established Date 22 Mar 2023; Company Number 3251687 (Hong Kong) [NPWMD] [IFSR] (Linked To: PISHTAZAN KAVOSH GOSTAR BOSHRA, LLC).

Designated pursuant to section 1(a)(iii) of Executive Order 13382 of June 28, 2005, "Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters," 70 FR 38567, 3 CFR, 2005 Comp., p. 170 ("E.O. 13382"), for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, PISHTAZAN KAVOSH GOSTAR BOSHRA, LLC, a person whose property and interests in property are blocked pursuant to E.O. 13382.

2. DULING TECHNOLOGY HK LIMITED, Room 4, 16th Floor, Ho King Comm Ctr, 2-16 Fayuen St, Mongkok, Kowloon, Hong Kong, China; Additional Sanctions Information - Subject to Secondary Sanctions; Organization Established Date 17 Sep 2019; Company Number 2874017 (Hong Kong) [NPWMD] [IFSR] (Linked To: PISHTAZAN KAVOSH GOSTAR BOSHRA, LLC).

Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, PISHTAZAN KAVOSH GOSTAR BOSHRA, LLC, a person whose property and interests in property are blocked pursuant to E.O. 13382.

3. FY INTERNATIONAL TRADING CO., LIMITED (Chinese Traditional: 伊國際貿易有限公司), Add. Flat 2002C, 20F, Multifield Commercial Centre, 426 Shanghai Street, Mongkok, Kowloon, Hong Kong, China; Workshop 603F, Block A, East Sun Industrial Centre, No. 16 Shing Yip Street, Kowloon, Hong Kong, China; Additional Sanctions Information - Subject to Secondary Sanctions; Organization Established Date 11 Apr 2019; Company Number 2814827 (Hong Kong) [NPWMD] [IFSR] (Linked To: PISHTAZAN KAVOSH GOSTAR BOSHRA, LLC).

Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, PISHTAZAN KAVOSH GOSTAR BOSHRA, LLC, a person whose property and interests in property are blocked pursuant to E.O. 13382.

4. NARIN SEPEHR MOBIN ISATIS (Arabic: نارین سپهر مبین ایساتیس) (a.k.a. NAARIN SEPEHR MOBIN ISATIS; a.k.a. PISHTAZAN SANAT PARVAZ SADRA CO. LLC (Arabic: شرکت پشتهاز صنعت رواز صدرا بامسئولیت محدود)), Tehran Pars, Shahid Mahmoudreza Okhovat (123) St, Shahid Ghasem Soleymani Highway, No. 48, 4th Floor, Unit 14, Tehran, Iran; Additional Sanctions Information - Subject to Secondary



Sanctions; Organization Established Date 25 Jul 2018; National ID No. 14007740232 (Iran); Business Registration Number 529177 (Iran) [NPWMD] [IFSR] (Linked To: PISHTAZAN KAVOSH GOSTAR BOSHRA, LLC).

Designated pursuant to section 1(a)(iv) of E.O. 13382 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, PISHTAZAN KAVOSH GOSTAR BOSHRA, LLC, a person whose property and interests in property are blocked pursuant to E.O. 13382.

5. CHINA OIL AND PETROLEUM COMPANY LIMITED (Chinese Traditional: 中國中油股份有限公司), RM702, 7/F Waga Comm Ctr 99, Wellington St. Central, Hong Kong, China; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 16 Oct 2018; Company Number 2755177 (Hong Kong); Legal Entity Number 875500573TJOLWAOJL18; Business Registration Number 69969691-000 (Hong Kong) [SDGT] [IRGC] [IFSR] (Linked To: ISLAMIC REVOLUTIONARY GUARD CORPS (IRGC)-QODS FORCE).

Designated pursuant to section 1(a)(iii)(C) of Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism," 66 FR 49079, as amended by Executive Order 13886 of September 9, 2019, "Modernizing Sanctions To Combat Terrorism," 84 FR 48041 (E.O. 13224, as amended), for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, the ISLAMIC REVOLUTIONARY GUARD CORPS-QODS FORCE, a person whose property and interests in property are blocked pursuant to E.O. 13224.

Dated: February 2, 2024.

**Bradley T. Smith,**

*Director, Office of Foreign Assets Control,  
U.S. Department of the Treasury.*

[FR Doc. 2024-02497 Filed 2-6-24; 8:45 am]

**BILLING CODE 4810-AL-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### **Proposed Collection; Comment Request Concerning Power of Attorney and Declaration of Representative**

**AGENCY:** Internal Revenue Service (IRS),  
Treasury.

**ACTION:** Notice and request for  
comments.

**SUMMARY:** The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995 (PRA 95). The IRS is soliciting

comments concerning power of attorney and declaration of representative.

**DATES:** Written comments should be received on or before April 8, 2024 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Andrea Garcia, Internal Revenue Service, room 6526, 1111 Constitution Avenue NW, Washington, DC 20224 or by email to [pra.comments@irs.gov](mailto:pra.comments@irs.gov). Please include the OMB Control Number 1545-0150 or Forms 2848 and 2848-SP in the Subject line.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the forms should be directed to Sara Covington, at (202) 317-5744 or Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at [sara.l.covington@irs.gov](mailto:sara.l.covington@irs.gov).

#### **SUPPLEMENTARY INFORMATION:**

*Title:* Power of Attorney and Declaration of Representative.

*OMB Number:* 1545-0150.

*Form Number:* 2848 and 2848 (SP).

*Abstract:* Form 2848 or Form 2848 (SP) is issued to authorize someone to act for the taxpayer in tax matters. It

grants all powers that the taxpayer has except signing a return and cashing refund checks. The information on the form is used to identify representatives and to ensure that confidential information is not divulged to unauthorized persons.

*Current Actions:* There are no changes being made to the forms at this time, however the estimated number of responses were reduced based on the current filing data.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals or households, business or other for-profit organizations, not-for-profit institutions, and farms.

#### **Form 2848**

*Estimated Number of Respondents:* 378,087.

*Estimated Time per Respondent:* 1.99 hours.

*Estimated Total Annual Burden Hours:* 752,393 hours.

#### **Form 2848 (SP)**

*Estimated Number of Respondents:* 80,000.

*Estimated Time per Respondent:* 2.26 hours.

*Estimated Total Annual Burden Hours:* 180,800 hours.

The following paragraph applies to all the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 1, 2024.

**Sara L. Covington,**  
*IRS Tax Analyst.*

[FR Doc. 2024-02476 Filed 2-6-24; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Recruitment Notice for the Taxpayer Advocacy Panel

**AGENCY:** Internal Revenue Service (IRS) Treasury.

**ACTION:** Notice.

**SUMMARY:** Notice of open season for recruitment of IRS Taxpayer Advocacy Panel (TAP) members.

**DATES:** January 31, 2024, through March 15, 2024.

**FOR FURTHER INFORMATION CONTACT:** Fred N. Smith, Jr. at 202-317-3087 (not a toll-free call).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the Department of the Treasury and the Internal Revenue Service (IRS) are inviting individuals to help improve the nation's tax agency by applying to be members of the Taxpayer Advocacy Panel (TAP). The mission of the TAP is to listen to taxpayers, identify issues that affect taxpayers, and make suggestions for improving IRS service and customer satisfaction. The TAP serves as an advisory body to the Secretary of the Treasury, the Commissioner of Internal Revenue, and the National Taxpayer Advocate. TAP members will participate in subcommittees that channel their feedback to the IRS through the Panel's parent committee.

The IRS is seeking applicants who have an interest in good government, a personal commitment to volunteer approximately 200 to 300 hours a year, and a desire to help improve IRS customer service. As a federal advisory committee, TAP is required to have a fairly balanced membership in terms of the points of view represented. Thus, TAP membership represents a cross-section of the taxpaying public with at least one member from each state, the District of Columbia and Puerto Rico, in addition to one member representing international taxpayers. For these purposes, "international taxpayers" are broadly defined to include U.S. citizens working, living, or doing business abroad. Potential candidates must be U.S. citizens, not a current employee of any Bureau of the Treasury Department or have worked for any Bureau of the Treasury Department within the three years of December 1 of the current year and must pass a federal tax compliance check and a Federal Bureau of Investigation criminal background investigation. Applicants who practice before the IRS must be in good standing with the IRS (meaning not currently under suspension or disbarment). Federally-registered lobbyists cannot be members of the TAP. The IRS is seeking members or alternates in the following locations: Alabama, Alaska, Arkansas, California, Connecticut, Delaware, Hawaii, Indiana, International, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New York, North Dakota, Ohio, Puerto Rico, Rhode Island, Tennessee, Texas, Utah, Virginia, Vermont and West Virginia. TAP members are a diverse group of citizens who represent the interests of taxpayers, from their respective geographic locations as well as taxpayers overall. Members provide feedback from a taxpayer's perspective

on ways to improve IRS customer service and administration of the federal tax system, by identifying grassroots taxpayer issues. Members should have good communication skills and be able to speak to taxpayers about TAP and its activities, while clearly distinguishing between TAP positions and their personal viewpoints.

Interested applicants should visit the TAP website at [www.improveirs.org](http://www.improveirs.org) for more information about TAP. Applications may be submitted online at [www.usajobs.gov](http://www.usajobs.gov). For questions about TAP membership, call the TAP toll-free number, 1-888-912-1227 and select prompt 5. Callers who are outside of the U.S. should call 202-317-3087 (not a toll-free call).

*The opening date for submitting applications is January 31, 2024, and the deadline for submitting applications is March 15, 2024.* Interviews will be held. The Department of the Treasury will review the recommended candidates and make final selections. New TAP members will serve a three-year term starting in December 2024. (Note: highly ranked applicants not selected as members may be placed on a roster of alternates who will be eligible to fill future vacancies that may occur on the Panel.)

Questions regarding the selection of TAP members may be directed to Fred N. Smith, Jr., Taxpayer Advocacy Panel, Internal Revenue Service, 1111 Constitution Avenue NW, TA:TAP Room 1509, Washington, DC 20224, or 202-317-3087 (not a toll-free call).

Dated: February 2, 2024.

**Kevin Brown,**

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2024-02471 Filed 2-6-24; 8:45 am]

**BILLING CODE 4830-01-P**

## UNIFIED CARRIER REGISTRATION PLAN

### Sunshine Act Meetings

**TIME AND DATE:** January 25, 2024, 12:00 p.m. to 3:00 p.m., Eastern Time.

**PLACE:** This meeting will be accessible via conference call and via Zoom Meeting and Screenshare. Any interested person may call (i) 1-929-205-6099 (US Toll) or 1-669-900-6833 (US Toll), Meeting ID: 949 7520 9962, to listen and participate in this meeting. The website to participate via Zoom Meeting and Screenshare is <https://kellen.zoom.us/join/register/tJAkcOyqrjIjHNZzp3Zo54X-XjrybypgFcDG>.

**STATUS:** This meeting will be open to the public.

**MATTERS TO BE CONSIDERED:** The Unified Carrier Registration Plan Dispute Resolution Subcommittee (the “Subcommittee”) will conduct a meeting to continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of this meeting will include:

### Proposed Agenda

#### I. Call to Order—UCR Dispute Resolution Subcommittee Chair

The Subcommittee Chair will welcome attendees, call the meeting to order, call roll for the Subcommittee, confirm whether a quorum is present, and facilitate self-introductions.

#### II. Verification of Publication of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify the publication of the meeting notice on the UCR website and distribution to the UCR contact list via email followed by the subsequent publication of the notice in the **Federal Register**.

#### III. Review and Approval of Subcommittee Agenda and Setting of Ground Rules—UCR Dispute Resolution Subcommittee Chair

*For Discussion and Possible Subcommittee Action*

The Subcommittee Agenda will be reviewed, and the Subcommittee will consider adoption.

#### Ground Rules

- Subcommittee action only to be taken in designated areas on agenda

#### IV. Review of the Process and Policy of Resolving Disputes Under the Unified Carrier Registration Agreement—UCR Dispute Resolution Subcommittee Chair, UCR Chief Legal Officer, UCR Executive Director

The UCR Dispute Resolution Subcommittee Chair, UCR Chief Legal Officer, and UCR Executive Director will review the current process and Policy of Resolving Disputes Under the Unified Carrier Registration Agreement.

#### V. Review of the Process and Policy of Resolving Disputes Under the Unified Carrier Registration Agreement as They Pertain to Disputes Filed by the Small Business in Transportation Coalition—UCR Dispute Resolution Subcommittee Chair, UCR Chief Legal Officer, UCR Executive Director

*For Discussion and Possible Subcommittee Action*

The UCR Dispute Resolution Subcommittee Chair, UCR Chief Legal Officer, and UCR Executive Director will review the current process and Policy of Resolving Disputes Under the Unified Carrier Registration Agreement in the context of three pending requests for dispute resolution filed by the Small Business in Transportation Coalition (“SBTC”). The Subcommittee may discuss the issue of jurisdiction over each of the three requests by the SBTC and the role of the Subcommittee in preparing these requests for hearing by the Board.

The Subcommittee may also discuss the possibility of hiring a Hearing Officer employed for the purpose of assisting the Subcommittee and the Board in the process of hearing requests for dispute resolution brought to the Board.

The Subcommittee may also discuss and recommend to the Board one or more proposed changes to the current Dispute Resolution Policy.

#### VI. Other Business—UCR Dispute Resolution Subcommittee Chair

The Subcommittee Chair will call for any other items Subcommittee members would like to discuss.

#### VII. Adjournment—UCR Dispute Resolution Subcommittee Chair

The Subcommittee Chair will adjourn the meeting.

The agenda will be available no later than 5:00 p.m. Eastern time, January 18, 2024, at: <https://plan.ucr.gov>.

**CONTACT PERSON FOR MORE INFORMATION:** Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305–3783, [eleaman@board.ucr.gov](mailto:eleaman@board.ucr.gov).

**Alex B. Leath,**  
*Chief Legal Officer, Unified Carrier Registration Plan.*

[FR Doc. 2024–02595 Filed 2–5–24; 4:15 pm]

**BILLING CODE 4910–YL–P**

#### DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0390]

#### Agency Information Collection Activity: Application of Surviving Spouse or Child for REPS Benefit (Restored Entitlement Program for Survivors)

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before April 8, 2024.

**ADDRESSES:** Submit written comments on the collection of information through Federal Docket Management System (FDMS) at [www.Regulations.gov](http://www.Regulations.gov) or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to [nancy.kessinger@va.gov](mailto:nancy.kessinger@va.gov). Please refer to “OMB Control No. 2900–0390” in any correspondence. During the comment period, comments may be viewed online through FDMS.

#### FOR FURTHER INFORMATION CONTACT:

Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20420, (202) 266–4688 or email [maribel.aponte@va.gov](mailto:maribel.aponte@va.gov). Please refer to “OMB Control No. 2900–0390” in any correspondence.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA’s functions, including whether the

information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Authority:* 38 U.S.C 5101.

*Title:* Application of Surviving Spouse or Child for REPS Benefit (Restored Entitlement Program for Survivors).

*OMB Control Number:* 2900–0390.

*Type of Review:* Revision of a currently approved collection.

*Abstract:* VA Form 21P–8924 is primarily used to gather the necessary information to determine a claimant's eligibility for REPS benefits. Respondents are surviving spouses or schoolchildren who are establishing eligibility to REPS benefits. The beneficiary will complete this information collection and return to the VA by mail or fax. Once the form is received by the VA, the information is reviewed to determine whether the beneficiary will establish entitlement or continued entitlement to REPS benefits. The information on the form is necessary to determine if the applicant meets REPS eligibility criteria. Without this information, determination of entitlement would not be possible. This is a revision of a currently approved collection as the respondent burden has decreased.

*Affected Public:* Individuals and households.

*Estimated Annual Burden:* 14 hours.

*Estimated Average Burden per Respondent:* 20 minutes.

*Frequency of Response:* One time.

*Estimated Number of Respondents:* 44.

By direction of the Secretary.

**Maribel Aponte,**

*VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.*

[FR Doc. 2024–02426 Filed 2–6–24; 8:45 am]

**BILLING CODE 8320–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0108]

### Agency Information Collection Activity: Report of Income From Property or Business

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs

**ACTION:** Notice

**SUMMARY:** Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before April 8, 2024.

**ADDRESSES:** Submit written comments on the collection of information through Federal Docket Management System (FDMS) at [www.Regulations.gov](http://www.Regulations.gov) or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to [nancy.kessinger@va.gov](mailto:nancy.kessinger@va.gov). Please refer to “OMB Control No. 2900–0108” in any correspondence. During the comment period, comments may be viewed online through FDMS.

#### FOR FURTHER INFORMATION CONTACT:

Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20420, (202) 266–4688 or email [maribel.aponte@va.gov](mailto:maribel.aponte@va.gov). Please refer to “OMB Control No. 2900–0108” in any correspondence.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the

burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Authority:* 38 U.S.C. 1521, 38 U.S.C. 1541, and 38 U.S.C. 1315.

*Title:* Report of Income from Property or Business.

*OMB Control Number:* 2900–0108.

*Type of Review:* Revision of a currently approved collection.

*Abstract:* VA Form 21P–4185 is primarily used to gather information that is necessary to determine a claimant's countable income received from rental property and/or operation of a business. Some expenses associated with rental property and business operations are deductible from the gross income received. Complete information about expenses and income is necessary to determine the net amount of income that is countable. The information is used to determine eligibility for VA benefits, and, if eligibility exists, the proper rate of payment. This is a revision of a currently approved collection as the respondent burden has decreased.

*Affected Public:* Individuals and households.

*Estimated Annual Burden:* 640 hours.

*Estimated Average Burden per Respondent:* 30 minutes.

*Frequency of Response:* One time.

*Estimated Number of Respondents:* 1,280.

By direction of the Secretary.

**Maribel Aponte,**

*VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.*

[FR Doc. 2024–02425 Filed 2–6–24; 8:45 am]

**BILLING CODE 8320–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0786]

### Agency Information Collection Activity: Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) Longitudinal Study Survey Questionnaire

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** Veterans Benefits Administration, Department of Veterans

Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before April 8, 2024.

**ADDRESSES:** Submit written comments on the collection of information through Federal Docket Management System (FDMS) at [www.Regulations.gov](http://www.Regulations.gov) or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to [nancy.kessinger@va.gov](mailto:nancy.kessinger@va.gov). Please refer to "OMB Control No. 2900-0786" in any correspondence. During the comment period, comments may be viewed online through FDMS.

**FOR FURTHER INFORMATION CONTACT:** Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20006, (202) 266-4688 or email [maribel.aponte@va.gov](mailto:maribel.aponte@va.gov). Please refer to "OMB Control No. 2900-0786" in any correspondence.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

**Authority:** Public Law 112-256, section 221-225.

**Title:** Department of Veterans Affairs (VA) VR&E Longitudinal Study Survey Questionnaire.

**OMB Control Number:** 2900-0786.

**Type of Review:** Extension of a currently approved collection.

**Abstract:** As required by Public Law 110-389 section 334, VBA will continue to collect survey data with the revised questionnaire on individuals who began participating in the VR&E program during fiscal years 2010, 2012, and 2014. VA will conduct a study of this data to determine the long-term positive outcomes of individuals participating in VBA's VR&E program. The purpose of this study is to monitor the effectiveness of VR&E program, so that we can find ways to improve the program and increase the support VA provide to Veterans daily. The data collected in this study is integral to VA submitting a congressionally-mandated annual report on the long-term outcomes of Veterans who participate in the VR&E program.

**Affected Public:** Individuals.

**Estimated Annual Burden:** 2,695 hours.

**Estimated Average Burden per Respondent:** 20 minutes.

**Frequency of Response:** Annual.

**Estimated Number of Respondents:** 8,084.

By direction of the Secretary.

**Dorothy Glasgow,**

*VA PRA Clearance Officer, (Alt), Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.*

[FR Doc. 2024-02484 Filed 2-6-24; 8:45 am]

**BILLING CODE 8320-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0658]

### Agency Information Collection Activity: Lender's Staff Appraisal Reviewer (SAR) Application

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

**DATES:** Written comments and recommendations on the proposed

collection of information should be received on or before April 8, 2024.

**ADDRESSES:** Submit written comments on the collection of information through Federal Docket Management System (FDMS) at [www.Regulations.gov](http://www.Regulations.gov) or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to [nancy.kessinger@va.gov](mailto:nancy.kessinger@va.gov). Please refer to "OMB Control No. 2900-0658" in any correspondence. During the comment period, comments may be viewed online through FDMS.

### FOR FURTHER INFORMATION CONTACT:

Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20420, (202) 266-4688 or email [maribel.aponte@va.gov](mailto:maribel.aponte@va.gov). Please refer to "OMB Control No. 2900-0658" in any correspondence.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

**Authority:** Public Law 104-13; 44 U.S.C. 3501-3521.

**Title:** Lender's Staff Appraisal Reviewer (SAR) Application (VA Form 26-0785).

**OMB Control Number:** 2900-0658.

**Type of Review:** Revision of a currently approved collection.

**Abstract:** Title 38 U.S.C. 3702(d) authorizes the Department of Veterans Affairs (VA) to establish standards for lenders making automatically guaranteed loans and 38 U.S.C. 3731(f) authorizes VA to establish, in regulation, standards and procedures to authorize a lender to determine the reasonable value of property. VA has implemented this authority through its

Lender Appraisal Processing Program (LAPP), codified in 38 CFR 36.4347.	<i>Estimated Average Burden per Respondent:</i> 5 minutes.	By direction of the Secretary.
<i>Affected Public:</i> Individuals (employees of lenders making applications).	<i>Frequency of Response:</i> On occasion.	<b>Maribel Aponte,</b>
<i>Estimated Annual Burden:</i> 168 hours.	<i>Estimated Number of Respondents:</i> 2,100 per year.	<i>VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.</i>
		[FR Doc. 2024–02485 Filed 2–6–24; 8:45 am]
		<b>BILLING CODE 8320–01–P</b>

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