



# FEDERAL REGISTER

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Vol. 89

Tuesday,

No. 44

March 5, 2024

Pages 15725–15948

OFFICE OF THE FEDERAL REGISTER



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# Rules and Regulations

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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.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2024-0456; Project Identifier MCAI-2024-00084-E; Amendment 39-22691; AD 2024-05-01]

RIN 2120-AA64

#### Airworthiness Directives; Austro Engine GmbH Engines

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain Austro Engine GmbH Model E4 and E4P engines. This AD was prompted by reports of engine failures and the determination that certain batches of cap screws, installed on the inner main bearing positions of the engine, were manufactured at the lower end of the material strength tolerance. This AD requires replacing certain cap screws with a part eligible for installation and prohibits installing certain cap screws on any inner main bearing position of any engine. This AD also prohibits installing certain engine cores on any engine unless certain requirements are met. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective March 11, 2024.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 11, 2024.

The FAA must receive comments on this AD by April 19, 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](https://www.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](https://www.regulations.gov) under Docket No. FAA-2024-0456; 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 final rule, 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 service information identified in this final rule, contact Austro Engine GmbH, Rudolf-Diesel-Strasse 11, A-2700 Weiner Neustadt, Austria; phone: +43 2622 23000; website: [austroengine.at](https://www.austroengine.at).

- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2024-0456.

#### FOR FURTHER INFORMATION CONTACT:

Barbara Caufield, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238-7146; email: [barbara.caufield@faa.gov](mailto:barbara.caufield@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2024-0456; Project Identifier MCAI-2024-00084-E" at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, 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 final rule 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](https://www.regulations.gov), including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this final rule.

#### 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 AD 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 AD, 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 AD. Submissions containing CBI should be sent to Barbara Caufield, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

#### Background

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2024-0037R1, dated February 6, 2024 (EASA AD 2024-0037R1) (also referred to as the MCAI), to address an unsafe condition on Austro Engine GmbH Model E4 and E4P engines. The MCAI states that there were reports of engine failures, and subsequent investigation identified a cap screw installed on an inner main bearing that had failed, which caused the engine failure. Further investigation determined that certain batches of cap screws meeting the lower end of their design specification could fail when installed on the inner main bearing and the engine is operated in specific operating conditions. To



address this unsafe condition, the manufacturer published a service bulletin to provide instructions for replacement of these affected parts. EASA then issued EASA Emergency AD 2024–0037–E, dated February 2, 2024 (EASA Emergency AD 2024–0037–E), which specified replacing the cap screws installed on the inner main bearing positions with serviceable parts and additional requirements for installation of certain parts and engines.

Additionally, the manufacturer has determined that certain batches of cap screws, installed on the inner main bearing positions of the engine, were produced at the lower end of the material strength tolerance for Class 8.8 screws. Depending on the magnitude of the cap screw’s strength properties, the potential for failure, leading to engine failure, exists in cases where abnormal operating conditions are experienced such as fuel quality issues or significant deviations from the fuel system requirements.

Since EASA Emergency AD 2024–0037–E was issued, due to requests for clarification, the compliance time for certain engines has been modified. As a result, EASA revised EASA Emergency AD 2024–0037–E and issued EASA AD 2024–0037R1 to include the updated compliance times and additionally to include ferry flight criteria for certain affected engines. The unsafe condition, if not addressed, could result in engine failure, reduced control of the airplane, and for single engine airplanes, an emergency landing, possibly resulting in damage to the airplane and injury to occupants.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–0456.

**Related Service Information Under 1 CFR Part 51**

The FAA reviewed the following service information:

- Austro Engine GmbH Mandatory No. Service Bulletin MSB–E4–042, Revision 0, dated January 31, 2024, which details certain engines and engine cores with affected cap screws

installed on the inner main bearing positions of the engine.

- Austro Engine GmbH Work Instruction WI–MSB–E4–042, Revision 0, dated February 2, 2024, which specifies instructions for replacing the affected cap screws installed on the inner main bearing positions of the engine.

This service information 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**

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

**AD Requirements**

This AD requires replacing certain cap screws, installed on the inner main bearing positions of the engine, with a part eligible for installation. This AD also prohibits installing certain cap screws on any inner main bearing position of any engine. This AD also prohibits installing certain engine cores on any engine unless certain requirements are met.

**Justification for Immediate Adoption and Determination of the Effective Date**

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for “good cause,” finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance.

Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because the cap screws installed on the inner main bearing positions of the engine are critical components for engine operation. The inadequate strength properties and subsequent failure of the cap screws could lead to engine failure during flight. The FAA also has received no information indicating how quickly the condition may propagate to failure, therefore these affected parts must be replaced before further flight on certain engines. Consequently, the required replacement of cap screws before those engines is shorter than the time necessary for the public to comment and for publication of the final rule. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forgo notice and comment.

**Regulatory Flexibility Act**

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without prior notice and comment, RFA analysis is not required.

**Costs of Compliance**

The FAA estimates that this AD affects 357 engines installed on airplanes of U.S. registry.

The FAA estimates the following costs to comply with this AD.

**ESTIMATED COSTS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace 6 cap screws installed on the inner main bearing positions.	8 work-hours × \$85 per hour = \$680 .....	\$1,000	\$1,680	\$599,760

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators.

## Authority for This Rulemaking

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

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

## Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will 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 that this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866, and
- (2) Will not affect intrastate aviation in Alaska

## List of Subjects in 14 CFR Part 39

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

## The Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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:

#### 2024-05-01 Austro Engine GmbH:

Amendment 39-22691; Docket No. FAA-2024-0456; Project Identifier MCAI-2024-00084-E.

#### (a) Effective Date

This airworthiness directive (AD) is effective March 11, 2024.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to Austro Engine GmbH Model E4 and E4P engines with one of the following:

- (1) An engine serial number or engine core serial number specified in Table 1 of Austro Engine GMBH Mandatory Service Bulletin No. MSB-E4-042, Revision 0, dated January 31, 2024 (MSB-E4-042), or;
- (2) An engine serial number or engine core serial number specified in Table 2 of MSB-E4-042.

#### (d) Subject

Joint Aircraft System Component (JASC) Codes: 8520, Reciprocating Engine Power Section.

#### (e) Unsafe Condition

This AD was prompted by reports of engine failures and the determination that certain batches of cap screws, installed on the inner main bearing positions of the engine, were manufactured at the lower end of the material strength tolerance. The FAA is issuing this AD to prevent piston failure. The unsafe condition, if not addressed, could result in engine failure, reduced control of the airplane, and for single engine airplanes, an emergency landing, possibly resulting in damage to the airplane and injury to occupants.

#### (f) Compliance

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

#### (g) Required Actions

(1) For engines or engine cores identified in paragraph (c)(1) of this AD, before further flight after the effective date of this AD, remove each cap screw, installed on the inner main bearing positions of the engine, from service and replace it with a part eligible for installation in accordance with paragraph 2.3, "Main Bearing Screws Replacement" of Austro Engine GmbH Work Instruction WI-MSB-E4-042, Revision 0, dated February 2, 2024 (WI-MSB-E4-042).

(2) For engines or engine cores identified in paragraph (c)(2) of this AD, remove each cap screw, installed on the inner main bearing positions of the engine, from service and replace it with a part eligible for installation in accordance with paragraph 2.3, "Main Bearing Screws Replacement" of WI-MSB-E4-042, at the compliance times referenced in paragraph (g)(2)(i) or (ii) of this AD, whichever occurs first:

- (i) Within 300 flight hours after first installation on an airplane or since last overhaul, as applicable, or before further flight after the effective date of this AD, whichever occurs later.
- (ii) At the next scheduled engine maintenance, after the effective date of this AD.

#### (h) Installation Prohibition

(1) As of the effective date of this AD, do not install an engine core, having a serial number specified in Table 1 or Table 2 of MSB-E4-042, on any engine, unless the cap screws installed on the inner main bearing positions of that engine core have been replaced with parts eligible for installation in accordance with paragraph 2., Technical Details of MSB-E4-042.

(2) As of the effective date of this AD, do not install cap screws having part number (P/N) E4A-10-100-201 on the inner main bearing positions of any engine.

#### (i) Definitions

For the purposes of this AD:

- (1) A part eligible for installation is a cap screw, class 12.9, having P/N E4A-10-100-202.
- (2) The inner main bearing positions are engine bearing positions 3 through 8 inclusive, as shown in Figure 1, "Main bearing cap screws to be replaced." of MSB-E4-042.

#### (j) Special Flight Permits

A special flight permit may be issued in accordance with 14 CFR 21.197 and 21.199 to permit a single ferry flight to a location where the actions required by this AD can be accomplished, provided that the flight is accomplished without passengers and does not exceed 3 flight hours.

#### (k) Alternative Methods of Compliance (AMOCs)

(1) 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 local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (l)(2) of this AD and email to: [ANE-AD-AMOC@faa.gov](mailto:ANE-AD-AMOC@faa.gov).

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

#### (l) Additional Information

(1) Refer to European Union Aviation Safety Agency (EASA) AD 2024-0037R1, dated February 6, 2024, for related information. This EASA AD may be found in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2024-0456.

(2) For more information about this AD, contact Barbara Caufield, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238-7146; email: [barbara.caufield@faa.gov](mailto:barbara.caufield@faa.gov).

#### (m) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference 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 the AD specifies otherwise.

(i) Austro Engine GMBH Mandatory Service Bulletin No. MSB-E4-042, Revision 0, dated January 31, 2024.

(ii) Austro Engine GmbH Work Instruction WI-MSB-E4-042, Revision 0, dated February 2, 2024.

(3) For service information identified in this AD, contact Austro Engine GmbH, Rudolf-Diesel-Strasse 11, A-2700 Weiner Neustadt, Austria; phone: +43 2622 23000; website: [austroengine.at](http://austroengine.at).

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222-5110.

(5) You may view this service information 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 27, 2024.

**Victor Wicklund,**

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

[FR Doc. 2024-04579 Filed 2-29-24; 11:15 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2023-1704; Project Identifier MCAI-2022-00866-T; Amendment 39-22671; AD 2024-03-02]

**RIN 2120-AA64**

#### **Airworthiness Directives; MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for all MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) Model CL-600-2C10 (Regional Jet Series 700, 701 & 702), CL-600-2C11 (Regional Jet Series 550), CL-600-2D15 (Regional Jet Series 705), CL-600-2D24 (Regional Jet Series 900), and CL-600-2E25 (Regional Jet Series 1000) airplanes. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective April 9, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 9, 2024.

#### **ADDRESSES:**

**AD Docket:** You may examine the AD docket at [regulations.gov](http://regulations.gov) under Docket No. FAA-2023-1704; 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 final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

#### **Material Incorporated by Reference:**

- For service information identified in this final rule, contact MHI RJ Aviation Group, Customer Response Center, 3655 Ave. des Grandes-Tourelles, Suite 110, Boisbriand, Québec J7H 0E2 Canada; North America toll-free telephone 833-990-7272 or direct-dial telephone 450-990-7272; fax 514-855-8501; email [thd.crj@mhirj.com](mailto:thd.crj@mhirj.com); website [mhirj.com](http://mhirj.com).

- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at [regulations.gov](http://regulations.gov) under Docket No. FAA-2023-1704.

#### **FOR FURTHER INFORMATION CONTACT:**

Yaser Osman, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7300; email [9-avs-nyaco-cos@faa.gov](mailto:9-avs-nyaco-cos@faa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) Model CL-600-2C10 (Regional Jet Series 700, 701 & 702), CL-600-2C11 (Regional Jet Series 550), CL-600-2D15 (Regional Jet Series 705), CL-600-2D24 (Regional Jet Series 900), and CL-600-2E25 (Regional Jet Series 1000) airplanes. The NPRM published in the **Federal Register** on August 8, 2023 (88 FR 53402). The NPRM was prompted by AD CF-2022-35, dated June 29, 2022, issued by Transport Canada, which is the aviation authority for Canada

(referred to after this as the MCAI). The MCAI states that new or more restrictive airworthiness limitations have been developed.

In the NPRM, the FAA proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is issuing this AD to address cracks in the principal structural elements of the fuselage and wings. The unsafe condition, if not addressed, could result in reduced structural integrity of the airplane. You may examine the MCAI in the AD docket at [regulations.gov](http://regulations.gov) under Docket No. FAA-2023-1704.

#### **Discussion of Final Airworthiness Directive**

##### **Comments**

The FAA received a comment from MHI RJ Aviation ULC. The following presents the comment received on the NPRM and the FAA's response to the comment.

#### **Request for Credit for Actions Using Previous Revisions of the Service Information**

MHI RJ Aviation ULC requested that the FAA provide credit for accomplishing the actions specified in paragraph (g) of the proposed AD prior to the effective date of this AD in accordance with MHI RJ Aviation CRJ550/700/705/900/1000 Maintenance Requirements Manual (MRM) Part 2, CSP B-053, Revision 24, dated February 25, 2021; or MHI RJ Aviation CRJ550/700/705/900/1000 Maintenance Requirements Manual (MRM) Part 2, CSP B-053, Revision 25, dated June 25, 2021. MHI RJ Aviation ULC pointed out that some of the tasks were initially introduced or revised in these revisions and that allowing credit would allow operators that have already accomplished the actions to avoid the need to request an alternative method of compliance with paragraph (g) of the proposed AD.

The FAA agrees to allow credit for the specified revisions for the reasons provided. Therefore, a new paragraph (i) has been added to this AD to provide credit for operators that have incorporated the new/revised tasks into their maintenance program using the specified revisions. Subsequent paragraphs have been redesignated accordingly.

#### **Conclusion**

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 reviewed the relevant data, considered the comment received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

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

The FAA reviewed MHI RJ Aviation CRJ550/700/705/900/1000 Maintenance Requirements Manual (MRM) Part 2, CSP B-053, Revision 26, dated March 25, 2022. This service information specifies new or revised tasks to detect cracks in the principal structural elements of the fuselage and wings. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

#### **Costs of Compliance**

The FAA estimates that this AD affects 601 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA has determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the agency estimates the average total cost per operator to be \$7,650 (90 work-hours × \$85 per work-hour).

#### **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**

This AD will not have federalism implications under Executive Order 13132. This AD will 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 that this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will 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 Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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:

**2024-03-02 MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.): Amendment 39-22671; Docket No. FAA-2023-1704; Project Identifier MCAI-2022-00866-T.**

##### **(a) Effective Date**

This airworthiness directive (AD) is effective April 9, 2024.

##### **(b) Affected ADs**

None.

##### **(c) Applicability**

This AD applies to all MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) Model CL-600-2C10 (Regional Jet Series 700, 701 & 702), CL-600-2C11 (Regional Jet Series 550), CL-600-2D15 (Regional Jet Series 705), CL-600-2D24 (Regional Jet Series 900), and CL-600-2E25 (Regional Jet Series 1000) airplanes, certificated in any category.

##### **(d) Subject**

Air Transport Association (ATA) of America Code: 05, Time Limits/Maintenance Checks.

##### **(e) Reason**

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address cracks in the principal structural elements of the fuselage and wings. The unsafe condition, if not addressed, could result in reduced structural integrity of the airplane.

##### **(f) Compliance**

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

##### **(g) Maintenance or Inspection Program Revision**

Within 60 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the tasks identified in figure 1 to paragraph (g) of this AD as specified in MHI RJ Aviation CRJ550/700/705/900/1000 Maintenance Requirements Manual (MRM) Part 2, CSP B-053, Revision 26, dated March 25, 2022. The initial compliance time for doing the tasks is at the applicable times specified in MHI RJ Aviation CRJ550/700/705/900/1000 Maintenance Requirements Manual (MRM) Part 2, CSP B-053, Revision 26, dated March 25, 2022, or within 60 days after the effective date of this AD, whichever occurs later.

**Figure 1 to paragraph (g) - MRM Tasks**

<b>Task Number</b>	<b>Configuration Letter (LTR)</b>	<b>Title</b>
53-11-103	G	Pressure Bulkhead - FS202.75
53-41-115	C	Overwing Longerons, Bottom Flanges - FS693.00 to FS847.00 +16.60, WL73.00
53-41-120	B	Emergency Exit Door Cut-Out Corner
53-41-121	A	Pressure Sill Deck FS693 - FS847
53-51-110	C	Skin Penetrations FS847.00 +8.40 to FS977.00, Below WL72.00
53-61-101	A, B	Skin Lap Splice - FS977.00 to FS1162.00, STGR7L, STGR20L, STGR7R, and STGR20R
53-61-114	C	Aft Pressure Bulkhead FS1098.2
57-42-109	A	Slat #3 Attachment
57-53-101	A, B, C	Outboard Flap Hinge Arms
57-53-102	A, B, C	Outboard Flap Vane Structure
57-53-103	A, B, C	Outboard Flap Vane Mounting Structure
57-53-104	A, B, C	Outboard Flap Box Structure
57-53-105	A, B, C	Outboard Flap Hinge Arm Support Fittings and Surround Structure
57-53-108	A, B, D	Outboard Flap Hinge Support Fittings

**(h) No Alternative Actions or Intervals**

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.*, inspections) or intervals, may be used unless the actions and intervals are approved as an alternative

method of compliance (AMOC) in accordance with the procedures specified in paragraph (j)(1) of this AD.

**(i) Credit for Previous Actions**

This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the

effective date of this AD using the service information specified in paragraph (i)(1) or (2) of this AD, as applicable.

(1) For the tasks specified in figure 2 to paragraph (i)(1) of this AD: MHI RJ Aviation CRJ550/700/705/900/1000 Maintenance Requirements Manual (MRM) Part 2, CSP B-053, Revision 24, dated February 25, 2021.

**Figure 2 to Paragraph (i)(1) – Credit for Tasks Using MRM Revision 24**

<b>Task Number</b>	<b>Configuration Letter (LTR)</b>	<b>Title</b>
53-11-103	G	Pressure Bulkhead - FS202.75
53-61-101	A, B	Skin Lap Splice - FS977.00 to FS1162.00, STGR7L, STGR20L, STGR7R, and STGR20R
53-61-114	C	Aft Pressure Bulkhead FS1098.2
57-42-109	A	Slat #3 Attachment
57-53-101	A, B, C	Outboard Flap Hinge Arms
57-53-102	A, B, C	Outboard Flap Vane Structure
57-53-103	A, B, C	Outboard Flap Vane Mounting Structure
57-53-104	A, B, C	Outboard Flap Box Structure
57-53-105	A, B, C	Outboard Flap Hinge Arm Support Fittings and Surround Structure
57-53-108	A, B, D	Outboard Flap Hinge Support Fittings

(2) For the tasks specified in figure 3 to paragraph (i)(2) of this AD: MHI RJ Aviation CRJ550/700/705/900/1000 Maintenance

Requirements Manual (MRM) Part 2, CSP B-053, Revision 25, dated June 25, 2021.

**Figure 3 to Paragraph (i)(2) – Credit for Tasks Using MRM Revision 25**

<b>Task Number</b>	<b>Configuration Letter (LTR)</b>	<b>Title</b>
53-11-103	G	Pressure Bulkhead - FS202.75
53-41-115	C	Overwing Longerons, Bottom Flanges - FS693.00 to FS847.00 +16.60, WL73.00
53-41-120	B	Emergency Exit Door Cut-Out Corner
53-51-110	C	Skin Penetrations FS847.00 +8.40 to FS977.00, Below WL72.00
53-61-101	A, B	Skin Lap Splice - FS977.00 to FS1162.00, STGR7L, STGR20L, STGR7R, and STGR20R
53-61-114	C	Aft Pressure Bulkhead FS1098.2
57-42-109	A	Slat #3 Attachment
57-53-101	A, B, C	Outboard Flap Hinge Arms
57-53-102	A, B, C	Outboard Flap Vane Structure
57-53-103	A, B, C	Outboard Flap Vane Mounting Structure
57-53-104	A, B, C	Outboard Flap Box Structure
57-53-105	A, B, C	Outboard Flap Hinge Arm Support Fittings and Surround Structure
57-53-108	A, B, D	Outboard Flap Hinge Support Fittings

**(j) Other FAA 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 to the address identified in paragraph (k)(2) of this AD. Information may be emailed to: [9-avs-nyaco-cos@faa.gov](mailto:9-avs-nyaco-cos@faa.gov). Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved

by the Manager, International Validation Branch, FAA; or Transport Canada; or MHI RJ Aviation ULC's Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

**(k) Additional Information**

(1) Refer to Transport Canada AD CF-2022-35, dated June 29, 2022, for related information. This Transport Canada AD may be found in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-1704.

(2) For more information about this AD, contact Yaser Osman, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7300; email [9-avs-nyaco-cos@faa.gov](mailto:9-avs-nyaco-cos@faa.gov).

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (l)(4) and (5) of this AD.

**(l) 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) MHI RJ Aviation CRJ550/700/705/900/1000 Maintenance Requirements Manual (MRM) Part 2, CSP B-053, Revision 26, dated March 25, 2022.

(ii) [Reserved]

(3) For service information identified in this AD, contact MHI RJ Aviation Group, Customer Response Center, 3655 Ave. des Grandes-Tourelles, Suite 110, Boisbriand, Québec J7H 0E2 Canada; North America toll-free telephone 833-990-7272 or direct-dial telephone 450-990-7272; fax 514-855-8501; email [thd.crj@mhjrj.com](mailto:thd.crj@mhjrj.com); website [mhjrj.com](http://mhjrj.com).

(4) You may view this service information at the FAA, Airworthiness Products Section,

Operational Safety Branch, 2200 South 216th Street, 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. 2024–04557 Filed 3–4–24; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2023–1223; Project Identifier MCAI–2022–00982–T; Amendment 39–22669; AD 2024–02–05]

RIN 2120–AA64

#### Airworthiness Directives; Bombardier, Inc., Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes. This AD was prompted by a determination that a certain nondestructive test (NDT) procedure associated with a certain airworthiness limitation for inspecting the inboard, mid, and outboard flap metallic end ribs does not contain all of the necessary instructions. This AD requires a revision to the existing maintenance or inspection program to require using a revised NDT procedure when performing an airworthiness limitation task. This AD also prohibits the use of earlier revisions of that NDT procedure. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective April 9, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 9, 2024.

#### ADDRESSES:

**AD Docket:** You may examine the AD docket at [regulations.gov](http://regulations.gov) under Docket No. FAA–2023–1223; 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 final rule, the mandatory

continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

#### Material Incorporated by Reference:

- For service information identified in this final rule, contact Bombardier, Inc., Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–2999; email [ac.yul@aero.bombardier.com](mailto:ac.yul@aero.bombardier.com); internet [bombardier.com](http://bombardier.com).

- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at [regulations.gov](http://regulations.gov) under Docket No. FAA–2023–1223.

#### FOR FURTHER INFORMATION CONTACT:

Yaser Osman, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email [9-avs-nyaco-cos@faa.gov](mailto:9-avs-nyaco-cos@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes. The NPRM published in the **Federal Register** on July 5, 2023 (88 FR 42884). The NPRM was prompted by AD CF–2022–40, dated July 21, 2022, issued by Transport Canada, which is the aviation authority for Canada (referred to after this as the MCAI). The MCAI states that Bombardier determined that non-destructive testing manual (NDTM) procedure ET–57–51–009, dated May 6, 2019, or earlier, did not contain all of the necessary instructions to perform the inspections of the inboard, mid, and outboard flap metallic end ribs in associated airworthiness limitation task number 57–51–00–109. If those inspections are not fully completed, there is a potential for undetected cracks in the inspection area; which can result in structural failure of the flap.

In the NPRM, the FAA proposed to require a revision to the existing maintenance or inspection program to require using a revised NDT procedure when performing a certain airworthiness limitation task. The FAA also proposed to prohibit the use of

earlier revisions of that NDT procedure when performing that airworthiness limitation task. The FAA is issuing this AD to address undetected cracking. The unsafe condition, if not addressed, could result in structural failure of the flap, which could result in possible reduced structural integrity of the airplane.

You may examine the MCAI in the AD docket at [regulations.gov](http://regulations.gov) under Docket No. FAA–2023–1223.

#### Discussion of Final Airworthiness Directive

##### Comments

The FAA received comments from NetJets. The following presents the comments received on the NPRM and the FAA’s response to each comment.

#### Request To Clarify Affected Airplanes and Appropriate NDT Manuals

NetJets requested that the proposed applicability be clarified if aircraft types G5500 and G6000 are affected, considering that the required actions in paragraphs (g) and (h) of the proposed AD reference a G5000 NDT manual only, but the serial numbers specified in paragraph (c) of the proposed AD include the G5500 and G6000 airplanes.

Additionally, NetJets requested that paragraph (g) of the proposed AD be revised to remove reference to “Revision 46” because the G5500 NDT manual is not at that revision level. NetJets noted that Transport Canada did not refer to a revision level to avoid alternative method of compliance (AMOC) requests.

The FAA contacted Bombardier and confirmed the G5500 and G6000 airplanes are included in the applicability as well as the G6000, G5000 GVFD, Global Express, and Global XRS airplanes. Paragraph (c) of this AD specifies that the AD applies to Model BD–700–1A10 and BD–700–1A11 airplanes, having serial numbers 9002 through 9879 inclusive, 9998, and 60001 and subsequent; these serial numbers include airplanes with the marketing designations Global 5000, Global 5000 GVFD, Global 5500, Global 6000, Global 6500, Global Express, and Global Express XRS. The FAA also confirmed that operators cannot use the G5000 NDT manual for all airplanes as it is only applicable to the G5000 and would need to get an AMOC to comply with this AD as proposed. The FAA has revised paragraph (g) of this AD to reference the appropriate NDT manuals for all of the airplanes identified in the applicability, including the appropriate revision level of each manual. The FAA must include revision levels due to



Office of the Federal Register (OFR) regulations on citing material that must be used to comply with an AD and is incorporated by reference. The requirements and substantive contents of the required task in each NDT manual are the same and the cost to use each NDT manual is the same; therefore this revision does not create an additional burden on operators. The FAA has also revised paragraph (h) of this AD to remove the reference to specific NDT manuals.

Conclusion

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 reviewed the relevant data, considered the comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for

minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

The FAA reviewed the revised inspection procedures for NDT procedure ET–57–51–009, “Special Detailed Inspection of the Inboard, Mid and Outboard Flap (Metallic) End Ribs,” of Part 6-Eddy Current, of the following nondestructive testing manuals. These documents are distinct since they apply to different airplane configurations.

- (1) Bombardier Global 5000 Nondestructive Testing Manual, Publication No. BD–700 NDTM, Revision 46, dated August 16, 2022.
- (2) Bombardier Global 5000 Featuring Global Vision Flight Deck Nondestructive Testing Manual, Publication No. GL 5000 GVFD NDTM, Revision 34, dated August 16, 2022.
- (3) Bombardier Global 5500 Nondestructive Testing Manual,

- Publication No. GL 5500 NDTM, Revision 8, dated August 16, 2022.
  - (4) Bombardier Global 6000 Nondestructive Testing Manual, Publication No. GL 6000 NDTM, Revision 34, dated August 16, 2022.
  - (5) Bombardier Global 6500 Nondestructive Testing Manual, Publication No. GL 6500 NDTM, Revision 8, dated August 16, 2022.
  - (6) Bombardier Global Express Nondestructive Testing Manual, Publication No. BD–700–NDTM, Revision 48, dated August 16, 2022.
  - (7) Bombardier Global Express XRS Nondestructive Testing Manual, Publication No. BD–700 XRS NDTM, Revision 44, dated August 16, 2022.
- This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

Costs of Compliance

The FAA estimates that this AD affects 441 airplanes of U.S. registry. The FAA estimates the following costs to comply with this 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	\$37,485

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

This AD will not have federalism implications under Executive Order 13132. This AD will 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 that this AD:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will 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 Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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:

2024–02–05 Bombardier, Inc.: Amendment 39–22669; Docket No. FAA–2023–1223; Project Identifier MCAI–2022–00982–T.

(a) Effective Date

This airworthiness directive (AD) is effective April 9, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes, certificated in any category, having serial numbers 9002 through 9879 inclusive, 9998, and 60001 and subsequent.

(d) Subject

Air Transport Association (ATA) of America Code: 57, Wings.

**(e) Reason**

This AD was prompted by a determination that a certain nondestructive test (NDT) procedure associated with a certain airworthiness limitation for inspecting for cracks at the inboard, mid, and outboard flap metallic end ribs does not contain all of the necessary instructions. The FAA is issuing this AD to address undetected cracks. The unsafe condition, if not addressed, could result in structural failure of the flap, which could result in possible reduced structural integrity of the airplane.

**(f) Compliance**

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

**(g) Maintenance Procedure Limitation**

As of 90 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to use procedure ET-57-51-009, "Special Detailed Inspection of the Inboard, Mid and Outboard Flap (Metallic) End Ribs", of Part 6-Eddy Current, of the applicable Bombardier NDT manual specified in paragraphs (g)(1) through (7) of this AD when performing airworthiness limitation task number 57-51-00-109.

(1) For Global 5000 airplanes: Bombardier Global 5000 Nondestructive Testing Manual, Publication No. BD-700 NDTM, Revision 46, dated August 16, 2022.

(2) For Global 5000 GVFD airplanes: Bombardier Global 5000 Featuring Global Vision Flight Deck Nondestructive Testing Manual, Publication No. GL 5000 GVFD NDTM, Revision 34, dated August 16, 2022.

(3) For Global 5500 airplanes: Bombardier Global 5500 Nondestructive Testing Manual, Publication No. GL 5500 NDTM, Revision 8, dated August 16, 2022.

(4) For Global 6000 airplanes: Bombardier Global 6000 Nondestructive Testing Manual, Publication No. GL 6000 NDTM, Revision 34, dated August 16, 2022.

(5) For Global 6500 airplanes: Bombardier Global 6500 Nondestructive Testing Manual, Publication No. GL 6500 NDTM, Revision 8, dated August 16, 2022.

(6) For Global Express airplanes: Bombardier Global Express Nondestructive Testing Manual, Publication No. BD-700-NDTM, Revision 48, dated August 16, 2022.

(7) For Global Express XRS airplanes: Bombardier Global Express XRS Nondestructive Testing Manual, Publication No. BD-700 XRS NDTM, Revision 44, dated August 16, 2022.

**(h) Maintenance Procedure Prohibition**

As of 90 days after the effective date of this AD, it is prohibited to use procedure ET-57-51-009, "Special Detailed Inspection of the Inboard, Mid and Outboard Flap (Metallic) End Ribs," of Part 6-Eddy Current, of any Bombardier Global NDT manual specified in paragraphs (h)(1) through (7) of this AD, dated May 6, 2019, or earlier revisions when performing airworthiness limitation task number 57-51-00-109.

(1) For Global 5000 airplanes: Bombardier Global 5000 Nondestructive Testing Manual, Publication No. BD-700 NDTM.

(2) For Global 5000 GVFD airplanes: Bombardier Global 5000 Featuring Global

Vision Flight Deck Nondestructive Testing Manual, Publication No. GL 5000 GVFD NDTM.

(3) For Global 5500 airplanes: Bombardier Global 5500 Nondestructive Testing Manual, Publication No. GL 5500 NDTM.

(4) For Global 6000 airplanes: Bombardier Global 6000 Nondestructive Testing Manual, Publication No. GL 6000 NDTM.

(5) For Global 6500 airplanes: Bombardier Global 6500 Nondestructive Testing Manual, Publication No. GL 6500 NDTM.

(6) For Global Express airplanes: Bombardier Global Express Nondestructive Testing Manual, Publication No. BD-700-NDTM.

(7) For Global Express XRS airplanes: Bombardier Global Express XRS Nondestructive Testing Manual, Publication No. BD-700 XRS NDTM.

**(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 International Validation Branch, send it to the attention of the person identified in paragraph (j)(2) 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 Transport Canada; or Bombardier, Inc.'s Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

**(j) Additional Information**

(1) Refer to Transport Canada AD CF-2022-40, dated July 21, 2022, for related information. This Transport Canada may be found in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-1223.

(2) For more information about this AD, contact Yaser Osman, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7300; email [9-avs-nyaco-cos@faa.gov](mailto:9-avs-nyaco-cos@faa.gov).

**(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) Procedure ET-57-51-009, "Special Detailed Inspection of the Inboard, Mid and Outboard Flap (Metallic) End Ribs, of Part 6-Eddy Current, of Bombardier Global 5000

Nondestructive Testing Manual, Publication No. BD-700 NDTM, Revision 46, dated August 16, 2022.

(ii) Procedure ET-57-51-009, "Special Detailed Inspection of the Inboard, Mid and Outboard Flap (Metallic) End Ribs," of Part 6-Eddy Current, of Bombardier Global 5000 Featuring Global Vision Flight Deck Nondestructive Testing Manual, Publication No. GL 5000 GVFD NDTM, Revision 34, dated August 16, 2022.

(iii) Procedure ET-57-51-009, "Special Detailed Inspection of the Inboard, Mid and Outboard Flap (Metallic) End Ribs," of Part 6-Eddy Current, of Bombardier Global 5500 Nondestructive Testing Manual, Publication No. GL 5500 NDTM, Revision 8, dated August 16, 2022.

(iv) Procedure ET-57-51-009, "Special Detailed Inspection of the Inboard, Mid and Outboard Flap (Metallic) End Ribs," of Part 6-Eddy Current, of Bombardier Global 6000 Nondestructive Testing Manual, Publication No. GL 6000 NDTM, Revision 34, dated August 16, 2022.

(v) Procedure ET-57-51-009, "Special Detailed Inspection of the Inboard, Mid and Outboard Flap (Metallic) End Ribs," of Part 6-Eddy Current, of Bombardier Global 6500 Nondestructive Testing Manual, Publication No. GL 6500 NDTM, Revision 8, dated August 16, 2022.

(vi) Procedure ET-57-51-009, "Special Detailed Inspection of the Inboard, Mid and Outboard Flap (Metallic) End Ribs," of Part 6-Eddy Current, of Bombardier Global Express Nondestructive Testing Manual, Publication No. BD-700-NDTM, Revision 48, dated August 16, 2022.

(vii) Procedure ET-57-51-009, "Special Detailed Inspection of the Inboard, Mid and Outboard Flap (Metallic) End Ribs," of Part 6-Eddy Current, of Bombardier Global Express XRS Nondestructive Testing Manual, Publication No. BD-700 XRS NDTM, Revision 44, dated August 16, 2022.

(3) For service information identified in this AD, contact Bombardier, Inc., Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514-855-2999; email [ac.yul@aero.bombardier.com](mailto:ac.yul@aero.bombardier.com); internet [bombardier.com](http://bombardier.com).

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

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

Issued on January 29, 2024.

**Victor Wicklund,**

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

[FR Doc. 2024-04556 Filed 3-4-24; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA–2023–2377; Airspace  
Docket No. 23–AWA–6]

RIN 2120–AA66

**Amendment of Class B Airspace  
Description; Cincinnati/Northern  
Kentucky International Airport, KY**

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

**ACTION:** Final rule, technical  
amendment.

**SUMMARY:** This action amends the Cincinnati/Northern Kentucky International Airport, KY, Class B airspace area description by making editorial changes to three sub-area shelf boundaries of the Class B airspace from using the Cincinnati, KY, Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) to a reference point. The reference point uses the same geographic coordinates as the Cincinnati VORTAC location listed in the existing description. Additionally, this action also removes the airport name from the airspace designation to comply with FAA regulatory guidance, updates the Airport Reference Point (ARP) geographic coordinates for the Cincinnati/Northern Kentucky International Airport to match the FAA National Airspace System Resource (NASR) database, and changes the Class B airspace center point from the Cincinnati/Northern Kentucky International Airport to “Point of Origin”. The point of origin uses the same geographic coordinates as the Cincinnati/Northern Kentucky International Airport listed in the existing description. Finally, this action makes minor edits to the sub-area descriptions for clarity and readability. These changes are editorial only and do not alter the current boundaries, altitudes, ATC procedures, or operating requirements for the Cincinnati/Northern Kentucky International Airport Class B airspace.

**DATES:** Effective date 0901 UTC, May 16, 2024. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

**ADDRESSES:** A copy of this final rule, and all background material may be viewed online at [www.regulations.gov](http://www.regulations.gov) using the FAA Docket number. Electronic retrieval help and guidelines

are available on the website. It is available 24 hours each day, 365 days each year.

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

**FOR FURTHER INFORMATION CONTACT:** Colby Abbott, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

**SUPPLEMENTARY INFORMATION:**

**Authority for This Rulemaking**

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the National Airspace System as necessary to preserve the safe and efficient flow of air traffic.

**History**

On June 19, 2021, the Cincinnati VORTAC was struck by lightning and caught fire which destroyed the navigational aid facility. As a result, the FAA issued a Notice to Air Missions (NOTAM) that has listed the Cincinnati VORTAC as out-of-service since the lightning strike. The Cincinnati VORTAC outage affects three of the Cincinnati/Northern Kentucky International Airport Class B airspace sub-areas which use the VORTAC to describe their boundaries. To retain the accuracy of the Cincinnati/Northern Kentucky International Airport Class B airspace area, the FAA is removing the Cincinnati VORTAC references in the three affected sub-areas and using a reference point located at the same geographic coordinates listed for the VORTAC.

To overcome the lightning strike and Cincinnati VORTAC outage, the FAA plans to replace the destroyed Tactical

Air Navigation (TACAN) and Distance Measuring Equipment (DME) equipment only. The VOR portion of the Cincinnati VORTAC is not planned for replacement as the VOR is one of the candidate VORs identified for discontinuance by the FAA’s VOR MON program and listed in the final policy statement notice, “Provision of Navigation Services for the Next Generation Air Transportation System (NextGen) Transition to Performance-Based Navigation (PBN) (Plan for Establishing a VOR Minimum Operational Network),” published in the **Federal Register** on July 26, 2016 (81 FR 48694), Docket No. FAA–2011–1082. The FAA is planning to decommission the VOR portion of the Cincinnati VORTAC in February 2025.

As noted previously, the Cincinnati/Northern Kentucky International Airport Class B airspace description uses the Cincinnati VORTAC to describe three sub-area shelf boundaries. To ensure there will be no changes to the existing charted boundaries of the Cincinnati/Northern Kentucky International Airport Class B airspace area, the FAA is removing the Cincinnati VORTAC references and using a reference point located at the same geographic coordinates (lat. 39°00′57″ N, long. 084°42′12″ W) listed for the Cincinnati VORTAC in the description prior to this rule.

Additionally, the geographic coordinates for the Cincinnati/Northern Kentucky International Airport ARP are updated to “lat. 39°02′56″ N, long. 084°40′04″ W” to match the FAA’s NASR database information. As a result of the Cincinnati/Northern Kentucky International Airport ARP moving northwest by approximately 1,900 feet, the FAA is changing the center point of the Class B airspace from the airport to a “Point of Origin” reference using the geographic coordinates “lat. 39°02′46″ N, long. 084°39′44″ W” that are listed for the Cincinnati/Northern Kentucky International Airport in the description prior to this rule.

Lastly, references to the Indiana-Ohio State Line used in the Class B airspace description are removed since the state line is not a prominent landmark easily identified from the air and replaced with the longitude coordinates that reflect the state line more accurately using digital charting technology tools today. The longitude information listed for the state line is changed from “long. 084°49′00″ W” to “long. 084°49′12″ W.”

**Incorporation by Reference**

Class B airspace designations are published in paragraph 3000 of FAA Order JO 7400.11, Airspace Designations and Reporting Points,

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

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

### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by making editorial changes to the Cincinnati/Northern Kentucky International Airport, KY, Class B airspace description. This action removes references to the Cincinnati VORTAC in three sub-area shelf boundaries (Areas B, C, and F) and replaces them with a reference point located at the same geographic coordinates for the Cincinnati VORTAC listed in the description prior to this rule. The Class B airspace boundaries affected by the Cincinnati VORTAC will remain unchanged and unaffected by replacing the Cincinnati VORTAC references to a reference point located at the Cincinnati VORTAC geographic coordinates.

Additionally, the Cincinnati/Northern Kentucky International Airport, KY, Class B airspace description title is updated by removing the airport name and state from the Class B airspace designation and only listing the city and state where the airport is located (Covington, KY) to comply with the FAA's regulatory guidance. The geographic coordinates for the Cincinnati/Northern Kentucky International Airport ARP are also updated from "lat. 39°02'46" N, long. 084°39'44" W" to "lat. 39°02'56" N, long. 084°40'04" W" to match the FAA's NASR database information. As a result of the ARP update to the Cincinnati/Northern Kentucky International Airport, the center point of the Class B airspace is changed from the airport to a "Point of Origin" using the geographic coordinates "lat. 39°02'46" N, long. 084°39'44" W" that match the geographic coordinates published for the Cincinnati/Northern Kentucky International Airport prior to this rule.

Lastly, references to the Indiana-Ohio State Line are removed and replaced with the longitude coordinates that reflect the state line more accurately using digital charting technology tools. The longitude information listed for the state line is changed from "long.

084°49'00" W" to "long. 084°49'12" W." This removal of the state line reference and update of the longitude coordinates more accurately aligns with the Indiana-Ohio State Line and matches the currently charted boundaries that reference the state line. Further, minor editorial amendments are made to the Covington, KY, Class B airspace sub-area descriptions for clarity and readability.

Since this action merely involves minor editorial amendments in the Covington, KY, Class B airspace area description and does not change the charted boundaries, altitudes, ATC procedures, or operating requirements for the Class B airspace area, notice and public procedure under 5 U.S.C. 553(b) are unnecessary and contrary to the public interest.

### Regulatory Notices and Analyses

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

### Environmental Review

The FAA has determined that this action amending the Cincinnati/Northern Kentucky International Airport, KY, Class B airspace description qualifies for categorical exclusion under the National Environmental Policy Act, 42 U.S.C. 4321; its implementing regulations at 40 CFR part 1500; and its agency-specific implementing regulations in FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" regarding categorical exclusions for procedural actions at paragraph 5–6.5a, which categorically excludes from full environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points. This airspace action is an editorial change only and is not expected to result in any potentially significant environmental impacts. In accordance

with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, this action has been reviewed for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis, and it is determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### The Amendment

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

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

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

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

#### § 71.1 [Amended]

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

*Paragraph 3000 Class B Airspace.*

\* \* \* \* \*

#### ASO KY B Covington, KY

Cincinnati/Northern Kentucky International Airport, KY (Primary Airport)

(Lat. 39°02'56" N, long. 084°40'04" W)

Point of Origin

(Lat. 39°02'46" N, long. 84°39'44" W)

*Area A.* That airspace extending upward from the surface to and including 10,000 feet MSL within a 5-mile radius of the Point of Origin.

*Area B.* That airspace extending upward from 2,100 feet MSL to and including 10,000 feet MSL within the area bounded by a line beginning at the intersection of the 5-mile radius of the Point of Origin and the Kentucky bank of the Ohio River northeast of the airport; thence northeast along the Kentucky bank of the Ohio River to the 10-mile radius of the Point of Origin; thence clockwise along the 10-mile radius of the Point of Origin to the Kentucky bank of the Ohio River southwest of the airport; thence north along the Kentucky bank of the Ohio River to long. 084°49'12" W; thence north along long. 084°49'12" W to Interstate 275; thence northeast along Interstate 275 to Interstate 74; thence east along Interstate 74 to the 040° bearing from a point located at lat. 39°00'57" N, long. 084°42'12" W; thence

southwest along the 040° bearing from the point located at lat. 39°00'57" N, long. 084°42'12" W to the 5-mile radius of the Point of Origin; thence counterclockwise along the 5-mile radius of the Point of Origin to the point of beginning.

*Area C.* That airspace extending upward from 3,000 feet MSL to and including 10,000 feet MSL within the area bounded by a line beginning at the intersection of Interstate 275 and long. 084°49'12" W; thence north along long. 084°49'12" W to intersect the 20-mile radius of the Point of Origin; thence clockwise along the 20-mile radius of the Point of Origin to intersect the extended Runway 18L ILS localizer course; then south along the extended Runway 18L ILS localizer course to the 15-mile radius of the Point of Origin; thence clockwise along the 15-mile radius of the Point of Origin to long. 084°30'00" W; thence south along long. 084°30'00" W to the 10-mile radius of the Point of Origin; thence clockwise along the 10-mile radius of the Point of Origin to the Kentucky bank of the Ohio River; thence west along the Kentucky bank of the Ohio River to the 5-mile radius of the Point of Origin; thence counterclockwise along the 5-mile radius of the Point of Origin to the 040° bearing from a point located at lat. 39°00'57" N, long. 084°42'12" W; thence northeast along the 040° bearing from the point located at lat. 39°00'57" N, long. 084°42'12" W to Interstate 74; thence west along Interstate 74 to Interstate 275 to the point of beginning. That airspace beginning at the intersection of the 10-mile radius southeast of the Point of Origin and long. 084°30'00" W; thence south along long. 084°30'00" W to the 15-mile radius of the Point of Origin; thence clockwise along the 15-mile radius of the Point of Origin to intersect the extended Runway 36R ILS localizer course; thence south along the extended Runway 36R ILS localizer course to the 20-mile radius of the Point of Origin, thence clockwise along the 20-mile radius of the Point of Origin to long. 084°49'00" W; thence north along long. 084°49'00" W to the Kentucky bank of the Ohio River; thence north along the Kentucky bank of the Ohio River to the 10-mile radius of the Point of Origin; thence counterclockwise along the 10-mile radius of the Point of Origin to the point of beginning.

*Area D.* That airspace extending upward from 3,500 feet MSL to and including 10,000 feet MSL within the area bounded by a line beginning at the intersection of lat. 39°09'18" N and the 10-mile radius northeast of the Point of Origin; thence east along lat. 39°09'18" N to the 15-mile radius of the Point of Origin; thence clockwise along the 15-mile radius of the Point of Origin to lat. 38°56'15" N; thence west along lat. 38°56'15" N to the 10-mile radius of the Point of Origin; thence counterclockwise along the 10-mile radius of the Point of Origin to the point of beginning. That airspace beginning at the intersection of the Kentucky bank of the Ohio River and lat. 38°56'15" N southwest of the Point of Origin; thence west along lat. 38°56'15" N to the 15-mile radius of the Point of Origin; thence clockwise along the 15-mile radius of the Point of Origin to lat. 39°09'18" N; thence east along lat. 39°09'18" N to long. 084°49'12" W; thence south along long. 084°49'12" W to the Kentucky bank of the Ohio River to the point of beginning. That airspace beginning at the intersection of the 15-mile radius south of the Point of Origin and the extended ILS Runway 36R localizer course; thence south along the extended ILS Runway 36R localizer to the 20-mile radius of the Point of Origin; thence counterclockwise along the 20-mile radius of the Point of Origin to long. 084°30'00" W; thence north along long. 084°30'00" W to the 15-mile radius of the Point of Origin; thence clockwise along the 15-mile radius of the Point of Origin to the point of beginning.

W; thence south along long. 084°49'12" W to the Kentucky bank of the Ohio River; thence south along the Kentucky bank of the Ohio River to the point of beginning. That airspace beginning at the intersection of the 15-mile radius north of the Point of Origin and the extended ILS Runway 18L localizer course; thence north along the extended ILS Runway 18L localizer course to the 20-mile radius of the Point of Origin; thence clockwise along the 20-mile radius of the Point of Origin to long. 084°30'00" W; thence south along long. 084°30'00" W to the 15-mile radius of the Point of Origin; thence counterclockwise along the 15-mile radius of the Point of Origin to the point of beginning. That airspace beginning at the intersection of the 15-mile radius south of the Point of Origin and the extended ILS Runway 36R localizer course; thence south along the extended ILS Runway 36R localizer to the 20-mile radius of the Point of Origin; thence counterclockwise along the 20-mile radius of the Point of Origin to long. 084°30'00" W; thence north along long. 084°30'00" W to the 15-mile radius of the Point of Origin; thence clockwise along the 15-mile radius of the Point of Origin to the point of beginning.

*Area E.* That airspace extending upward from 4,000 feet MSL to and including 10,000 feet MSL within the area bounded by a line beginning at the intersection of the 20-mile radius northwest of the Point of Origin and long. 084°49'12" W; thence north along long. 084°49'12" W to the 25-mile radius of the Point of Origin; thence clockwise along the 25-mile radius of the Point of Origin to long. 084°30'00" W; thence south along long. 084°30'00" W to the 20-mile radius of the Point of Origin; thence counterclockwise along the 20-mile radius of the Point of Origin to the point of beginning. That airspace beginning at the intersection of the 20-mile radius southeast of the Point of Origin and long. 084°30'00" W; thence south along long. 084°30'00" W to the 25-mile radius of the Point of Origin; thence clockwise along the 25-mile radius of the Point of Origin to long. 084°49'00" W; thence north along long. 084°49'00" W to the 20-mile radius of the Point of Origin; thence counterclockwise along the 20-mile radius of the Point of Origin to the point of beginning.

*Area F.* That airspace extending upward from 5,000 feet MSL to and including 10,000 feet MSL within the area bounded by a line beginning at the intersection of the 25-mile radius north of the Point of Origin and long. 084°30'00" W; thence clockwise along the 25-mile radius of the Point of Origin to the 056° bearing from a point located at lat. 39°00'57" N, long. 084°42'12" W; thence southwest along the 056° bearing of the point located at lat. 39°00'57" N, long. 084°42'12" W to the 20-mile radius of the Point of Origin; thence clockwise along the 20-mile radius of the Point of Origin to the 116° bearing from a point located at lat. 39°00'57" N, long. 084°42'12" W; thence southeast along the 116° bearing from a point located at lat. 39°00'57" N, long. 084°42'12" W to the 25-mile radius of the Point of Origin; thence clockwise along the 25-mile radius of the Point of Origin to long. 084°30'00" W; thence north along long. 084°30'00" W to the intersection of the 10-mile radius of the Point

of Origin and lat. 38°56'15" N; thence east along lat. 38°56'15" N to the 15-mile radius of the Point of Origin; thence counterclockwise along the 15-mile radius of the Point of Origin to lat. 39°09'18" N; thence west along lat. 39°09'18" N to the intersection of the 10-mile radius of the Point of Origin and long. 084°30'00" W; thence north along long. 084°30'00" W to the point of beginning. That airspace beginning at the intersection of the 25-mile radius north of the Point of Origin and long. 084°49'12" W; thence counterclockwise along the 25-mile radius of the Point of Origin to the 297° bearing from a point located at lat. 39°00'57" N, long. 084°42'12" W; thence southeast along the 297° bearing from the point located at lat. 39°00'57" N, long. 084°42'12" W to the 20-mile radius of the Point of Origin; thence counterclockwise along the 20-mile radius of the Point of Origin to the 247° bearing from a point located at lat. 39°00'57" N, long. 084°42'12" W; thence southwest along the 247° bearing from a point located at lat. 39°00'57" N, long. 084°42'12" W to the 25-mile radius of the Point of Origin; thence counterclockwise along the 25-mile radius of the Point of Origin to long. 084°49'00" W; thence north along long. 084°49'00" W to the Kentucky bank of the Ohio River; thence north along the Kentucky bank of the Ohio River to lat. 38°56'15" N; thence west along lat. 38°56'15" N to the 15-mile radius of the Point of Origin; thence clockwise along the 15-mile radius of the Point of Origin to lat. 39°09'18" N; thence east along lat. 39°09'18" N to long. 084°49'12" W; thence north along long. 084°49'12" W to the point of beginning.

\* \* \* \* \*

Issued in Washington, DC, on February 28, 2024.

**Frank Lias,**

*Manager, Rules and Regulations Group.*

[FR Doc. 2024-04610 Filed 3-4-24; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2023-1735; Airspace  
Docket No. 23-AGL-18]

**RIN 2120-AA66**

#### Amendment of VOR Federal Airways V-78 and V-171; Darwin, MN

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Very High Frequency Omnidirectional Range (VOR) Federal Airways V-78 and V-171 in the vicinity of Darwin, MN. The amendments are due to the planned decommissioning of the VOR portion of the Darwin, MN (DWN), VOR/Tactical Air Navigation (VORTAC) navigational aid (NAVAID). The Darwin VOR is

being decommissioned as part of the FAA's VOR Minimum Operational Network (MON) program.

**DATES:** Effective date 0901 UTC, May 16, 2024. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

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

**FOR FURTHER INFORMATION CONTACT:** Colby Abbott, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

#### **SUPPLEMENTARY INFORMATION:**

##### **Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the Air Traffic Service (ATS) route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

##### **History**

The FAA published a notice of proposed rulemaking for Docket No. FAA-2023-1735 in the **Federal Register** (88 FR 54959; August 14, 2023), proposing to amend VOR Federal Airways V-78 and V-171 due to the planned decommissioning of the VOR

portion of the Darwin, MN, VORTAC NAVAID. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

##### **Incorporation by Reference**

VOR Federal Airways are published in paragraph 6010(a) of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. FAA Order JO 7400.11H is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

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

##### **The Rule**

This action amends 14 CFR part 71 by amending VOR Federal Airways V-78 and V-171 due to the planned decommissioning of the VOR portion of the Darwin, MN, VORTAC. The airway actions are described below.

**V-78:** Prior to this final rule, V-78 extended between the Darwin, MN, VORTAC and the Escanaba, MI, VOR/DME; and between the Pellston, MI, VORTAC and the Saginaw, MI, VOR/DME. The airway segment between the Darwin VORTAC and the Gopher, MN, VORTAC is removed. As amended, the airway is changed to now extend between the Gopher VORTAC and the Escanaba VOR/DME and between the Pellston VORTAC and the Saginaw VOR/DME.

**V-171:** Prior to this final rule, V-171 extended between the Lexington, KY, VOR/DME and the Joliet, IL, VOR/DME; and between the Nodine, MN, VORTAC and the Grand Forks, ND, VOR/DME. The airway segment between the Farmington, MN, VORTAC and the Alexandria, MN, VOR/DME is removed. As amended, the airway is changed to now extend between the Lexington VOR/DME and the Joliet VOR/DME, between the Nodine VORTAC and the Farmington VORTAC, and between the Alexandria VOR/DME and the Grand Forks VOR/DME.

The NAVAID radials listed in the VOR Federal airway descriptions in the regulatory text of this final rule are unchanged and stated in degrees True north.

##### **Regulatory Notices and Analyses**

The FAA has determined that this regulation only involves an established

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

##### **Environmental Review**

The FAA has determined that this action of amending VOR Federal Airways V-78 and V-171, due to the planned decommissioning of the VOR portion of the Darwin, MN, VORTAC NAVAID, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5-6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points); and paragraph 5-6.5k, which categorically excludes from further environmental impact review publication of existing air traffic control procedures that do not essentially change existing tracks, create new tracks, change altitude, or change concentration of aircraft on these tracks. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5-2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

##### **List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

## The Amendment

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

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

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

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

#### § 71.1 [Amended]

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

*Paragraph 6010(a) Domestic VOR Federal Airways.*

\* \* \* \* \*

V–78 [Amended]

From Gopher, MN; INT Gopher 091° and Eau Claire, WI, 290° radials; Eau Claire; Rhinelander, WI; Iron Mountain, MI; to Escanaba, MI. From Pellston, MI; Alpena, MI; INT Alpena 232° and Saginaw, MI, 353° radials; to Saginaw.

\* \* \* \* \*

V–171 [Amended]

From Lexington, KY; INT Lexington 251° and Louisville, KY, 114° radials; Louisville; Terre Haute, IN; Danville, IL; Peotone, IL; INT Peotone 281° and Joliet, IL, 173° radials; to Joliet. From Nodine, MN; INT Nodine 298° and Farmington, MN, 124° radials; to Farmington. From Alexandria, MN; INT Alexandria 321° and Grand Forks, ND, 152° radials; to Grand Forks.

\* \* \* \* \*

Issued in Washington, DC, on February 29, 2024.

**Frank Lias,**

*Manager, Rules and Regulations Group.*

[FR Doc. 2024–04611 Filed 3–4–24; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

**31 CFR Parts 501, 510, 535, 536, 547, 548, 551, 552, 553, 558, 561, 566, 570, 578, 588, 589, 590, 592, 594, 597, 598**

### Updating Contact Information and Grammatical Terminology in OFAC Regulations

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Treasury’s Office of Foreign Assets Control (OFAC) is adopting a final rule to update contact information and grammatical terminology in existing regulations.

**DATES:** This rule is effective March 5, 2024.

#### FOR FURTHER INFORMATION CONTACT:

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

#### SUPPLEMENTARY INFORMATION:

##### Electronic Availability

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

##### Background

In this document, OFAC is updating 20 parts of 31 CFR Chapter V and an Appendix to update the name of an OFAC office and an email address and is updating two parts to remove options for mail submissions. OFAC is also amending four parts to make gender language more inclusive, replacing instances of “his” (when not part of the phrase “his or hers”) with “theirs,” and replacing “he” (when not part of the phrase “he or she”) with “they.” Finally, OFAC is making changes in the authorities citations of 31 CFR part 594 and an Appendix to more specifically reference the relevant statutory authorities in each citation.

##### Public Participation

Because the amendment of the Regulations is a rule of agency procedure and because it involves a foreign affairs function, the provisions of E.O. 12866 of September 30, 1993, “Regulatory Planning and Review” (58 FR 51735, October 4, 1993), as amended, and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

##### Paperwork Reduction Act

The collections of information related to the regulations being amended in this rule are contained in 31 CFR part 501 (the “Reporting, Procedures and Penalties Regulations”). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the

Office of Management and Budget under control number 1505–0164. 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 control number.

**List of Subjects in 31 CFR Parts 501, 510, 535, 536, 547, 548, 551, 552, 553, 558, 561, 566, 570, 578, 588, 589, 590, 592, 594, 597, 598**

Administrative practice and procedure, Banks, banking, Blocking of assets, Credit, Foreign trade, Penalties, Reporting and recordkeeping requirements, Sanctions, Securities, Services.

For the reasons set forth in the preamble, OFAC is issuing the following amendments:

### PART 501—REPORTING, PROCEDURES AND PENALTIES REGULATIONS

- 1. The authority citation for part 501 continues to read as follows:

**Authority:** 8 U.S.C. 1189; 18 U.S.C. 2332d, 2339B; 19 U.S.C. 3901–3913; 21 U.S.C. 1901–1908; 22 U.S.C. 287c, 2370(a), 6009, 6032, 7205, 8501–8551; 31 U.S.C. 321(b); 50 U.S.C. 1701–1706, 4301–4341; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note).

#### Subpart C—Reports

##### § 501.603 [Amended]

- 2. Amend § 501.603 in paragraph (d) by removing the phrase “Sanctions Compliance and Evaluation” and adding in its place the word “Compliance”.

##### § 501.604 [Amended]

- 3. Amend § 501.604 in paragraph (d) by removing the phrase “Sanctions Compliance and Evaluation” and adding in its place the word “Compliance”.

#### Subpart E—Procedures

##### § 501.806 [Amended]

- 4. Amend § 501.806 in paragraph (b) by removing the phrase “Sanctions Compliance and Evaluation” in both places it occurs and adding in its place the word “Compliance”.

### PART 510—NORTH KOREA SANCTIONS REGULATIONS

- 5. The authority citation for part 510 continues to read as follows:

**Authority:** 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; 22 U.S.C. 287c, 9201–9255; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); Pub. L. 115–44, 131 Stat. 886 (codified in scattered



sections of 22 U.S.C.); E.O. 13466, 73 FR 36787, 3 CFR, 2008 Comp., p. 195; E.O. 13551, 75 FR 53837, 3 CFR., 2010 Comp., p. 242; E.O. 13570, 76 FR 22291, 3 CFR, 2011 Comp., p. 233; E.O. 13687, 80 FR 819, 3 CFR, 2015 Comp., p. 259; E.O. 13722, 81 FR 14943, 3 CFR, 2016 Comp., p. 446; E.O. 13810, 82 FR 44705, 3 CFR, 2017 Comp., p. 379.

### Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

#### § 510.519 [Amended]

■ 6. Amend § 510.519 in paragraph (b)(2) by removing the phrase “Office of Compliance and Enforcement” and adding in its place the phrase “Compliance Division”.

### Subpart G—Penalties and Finding of Violation

#### § 510.702 [Amended]

■ 7. Amend § 510.702 in paragraph (b)(3) by removing the phrase “Office of Compliance and Enforcement” and adding in its place the phrase “Enforcement Division”.

### PART 535—IRANIAN ASSETS CONTROL REGULATIONS

■ 8. The authority citation for part 535 continues to read as follows:

**Authority:** 3 U.S.C. 301; 18 U.S.C. 2332d; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 12170, 44 FR 65729, 3 CFR, 1979 Comp., p. 457; E.O. 12205, 45 FR 24099, 3 CFR, 1980 Comp., p. 248; E.O. 12211, 45 FR 26685, 3 CFR, 1980 Comp., p. 253; E.O. 12276, 46 FR 7913, 3 CFR, 1981 Comp., p. 104; E.O. 12279, 46 FR 7919, 3 CFR, 1981 Comp., p. 109; E.O. 12280, 46 FR 7921, 3 CFR, 1981 Comp., p. 110; E.O. 12281, 46 FR 7923, 3 CFR, 1981 Comp., p. 112; E.O. 12282, 46 FR 7925, 3 CFR, 1981 Comp., p. 113; E.O. 12283, 46 FR 7927, 3 CFR, 1981 Comp., p. 114; E.O. 12294, 46 FR 14111, 3 CFR, 1981 Comp., p. 139.

### Subpart G—Penalties

#### § 535.702 [Amended]

■ 9. Amend § 535.702 as follows:  
 ■ a. In paragraphs (a) and (b)(2), remove the word “his” and add in its place the word “their”; and  
 ■ b. In paragraph (a), remove the word “he” and add in its place the word “they”.

#### § 535.704 [Amended]

■ 10. Amend § 535.704 in paragraphs (a) and (b) by removing the word “he” and adding in its place the word “they”.

### PART 536—NARCOTICS TRAFFICKING SANCTIONS

■ 11. The authority citation for part 536 continues to read as follows:

**Authority:** 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 12978, 60 FR 54579, 3 CFR, 1995 Comp., p. 415; E.O. 13286, 68 FR 10619, 3 CFR, 2003 Comp., p. 166.

### Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 12. Amend § 536.510 by revising paragraph (b)(2) to read:

**§ 536.510 Certain transactions for the expenses of maintaining blocked tangible property.**

\* \* \* \* \*

(b) \* \* \*

(2) The reports, which must reference this section, are to be submitted to OFAC via email to *OFACReport@treasury.gov*.

### Subpart G—Penalties

#### § 536.702 [Amended]

■ 13. Amend § 536.702 in paragraph (a) by removing the word “his” and adding in its place the word “their” and removing the word “he” and adding in its place the word “they”.

### PART 547—DEMOCRATIC REPUBLIC OF THE CONGO SANCTIONS REGULATIONS

■ 14. The authority citation for part 547 continues to read as follows:

**Authority:** 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; 22 U.S.C. 287c; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13413, 71 FR 64105, 3 CFR, 2006 Comp., p. 247; E.O. 13671, 79 FR 39949, 3 CFR, 2015 Comp., p. 280.

### Subpart G—Penalties and Finding of Violation

#### § 547.702 [Amended]

■ 15. Amend § 547.702 in paragraph (b)(3) by removing the phrase “Office of Compliance and Enforcement” and adding in its place the phrase “Enforcement Division”.

### PART 548—BELARUS SANCTIONS REGULATIONS

■ 16. The authority citation for part 548 continues to read as follows:

**Authority:** 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13405, 71 FR 35485, 3 CFR, 2006 Comp., p. 231; E.O. 14038, 86 FR 43905, 3 CFR, 2021 Comp., p. 626.

### Subpart G—Penalties and Findings of Violation

#### § 548.702 [Amended]

■ 17. Amend § 548.702 in paragraph (b)(3) by removing the phrase “Office of Compliance and Enforcement” and adding in its place the phrase “Enforcement Division”.

#### § 548.705 [Amended]

■ 18. Amend § 548.705 in paragraph (b)(3) by removing the phrase “Office of Compliance and Enforcement” and adding in its place the phrase “Enforcement Division”.

### PART 551—SOMALIA SANCTIONS REGULATIONS

■ 19. The authority citation for part 551 continues to read as follows:

**Authority:** 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; 22 U.S.C. 287c; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13536, 75 FR 19869, 3 CFR, 2010 Comp., p. 203; E.O. 13620, 77 FR 43483, 3 CFR, 2012 Comp., p. 281.

### Subpart G—Penalties and Findings of Violation

#### § 551.702 [Amended]

■ 20. Amend § 551.702 in paragraph (b)(3) by removing the phrase “Office of Compliance and Enforcement” and adding in its place the phrase “Enforcement Division”.

### PART 552—YEMEN SANCTIONS REGULATIONS

■ 21. The authority citation for part 552 continues to read as follows:

**Authority:** 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13611, 77 FR 29533, 3 CFR, 2012 Comp., p. 260.

### Subpart G—Penalties and Findings of Violation

#### § 552.702 [Amended]

■ 22. Amend § 551.702 in paragraph (b)(3) by removing the phrase “Office of Compliance and Enforcement” and adding in its place the phrase “Enforcement Division”.

### PART 553—CENTRAL AFRICAN REPUBLIC SANCTIONS REGULATIONS

■ 23. The authority citation for part 553 continues to read as follows:

**Authority:** 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; 22 U.S.C. 287c; Pub. L. 101–410, 104 Stat. 890, as



amended (28 U.S.C. 2461 note); E.O. 13667, 79 FR 28387, 3 CFR, 2014 Comp., p. 243.

### Subpart G—Penalties and Findings of Violation

#### § 553.702 [Amended]

■ 24. Amend § 553.702 in paragraph (b)(3) by removing the phrase “Office of Compliance and Enforcement” and adding in its place the phrase “Enforcement Division”.

#### § 553.705 [Amended]

■ 25. Amend § 553.705 in paragraph (b)(3) by removing the phrase “Office of Compliance and Enforcement” and adding in its place the phrase “Enforcement Division”.

### PART 558—SOUTH SUDAN SANCTIONS REGULATIONS

■ 26. The authority citation for part 558 continues to read as follows:

**Authority:** 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13664, 79 FR 19283, 3 CFR, 2014 Comp., p. 238.

### Subpart G—Penalties and Findings of Violation

#### § 558.702 [Amended]

■ 27. Amend § 558.702 in paragraph (b)(3) by removing the phrase “Office of Compliance and Enforcement” and adding in its place the phrase “Enforcement Division”.

#### § 558.705 [Amended]

■ 28. Amend § 558.705 in paragraph (b)(3) by removing the phrase “Office of Compliance and Enforcement” and adding in its place the phrase “Enforcement Division”.

### PART 561—IRANIAN FINANCIAL SANCTIONS REGULATIONS

■ 29. The authority citation for part 561 continues to read as follows:

**Authority:** 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; 22 U.S.C. 8501–8551, 8701–8795; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 12957, 60 FR 14615, 3 CFR, 1995 Comp., p. 332; E.O. 13553, 75 FR 60567, 3 CFR, 2010 Comp., p. 253; E.O. 13599, 77 FR 6659, 3 CFR, 2012 Comp., p. 215; E.O. 13846, 83 FR 38939, 3 CFR, 2018 Comp., p. 854; E.O. 13871, 84 FR 20761, 3 CFR, 2019 Comp., p. 309.

### Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

#### § 561.504 [Amended]

■ 30. Amend § 561.504 in paragraph (b) by removing the phrase “Sanctions,

Compliance & Evaluations” and adding in its place the word “Compliance”.

### PART 566—HIZBALLAH FINANCIAL SANCTIONS REGULATIONS

■ 31. The authority citation for part 566 continues to read as follows:

**Authority:** 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); Pub. L. 114–102, 129 Stat. 2205 (50 U.S.C. 1701 note); Pub. L. 115–272, 132 Stat. 4144 (50 U.S.C. 1701 note).

### Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

#### § 566.504 [Amended]

■ 32. Amend § 566.504 in paragraph (b) by removing the phrase “Sanctions, Compliance & Evaluation” and adding in its place the word “Compliance”.

### PART 570—LIBYAN SANCTIONS REGULATIONS

■ 33. The authority citation for part 570 continues to read as follows:

**Authority:** 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; 22 U.S.C. 287c; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13566, 76 FR 11315, 3 CFR, 2011 Comp., p. 222; E.O. 13726, 81 FR 23559, 3 CFR, 2016 Comp., p. 454.

### Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

#### § 570.514 [Amended]

■ 34. Amend § 570.514 in paragraph (c) by removing the phrase “Sanctions Compliance and Evaluation” and adding in its place the word “Compliance”.

#### § 570.515 [Amended]

■ 35. Amend § 570.515 in paragraph (b) by removing the phrase “Sanctions Compliance and Evaluation” and adding in its place the word “Compliance”.

#### § 570.516 [Amended]

■ 36. Amend § 570.516 in paragraph (b) by removing the phrase “Sanctions Compliance and Evaluation” and adding in its place the word “Compliance”.

### Subpart G—Penalties and Findings of Violation

#### § 570.702 [Amended]

■ 37. Amend § 570.702 in paragraph (b)(3) by removing the phrase “Office of Compliance and Enforcement” and adding in its place the phrase “Enforcement Division”.

#### § 570.705 [Amended]

■ 38. Amend § 570.705 in paragraph (b)(3) by removing the phrase “Office of Compliance and Enforcement” and adding in its place the phrase “Enforcement Division”.

### PART 578—CYBER-RELATED SANCTIONS REGULATIONS

■ 39. The authority citation for part 578 continues to read as follows:

**Authority:** 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); Pub. L. 115–44, 131 Stat. 886 (codified in scattered sections of 22 U.S.C.); E.O. 13694, 80 FR 18077, 3 CFR 2015 Comp., p. 297; E.O. 13757, 82 FR 1, 3 CFR 2016 Comp., p. 659.

### Subpart G—Penalties and Findings of Violation

#### § 578.702 [Amended]

■ 40. Amend § 578.702 in paragraph (b)(3) by removing the phrase “Office of Compliance and Enforcement” and adding in its place the phrase “Enforcement Division”.

#### § 578.705 [Amended]

■ 41. Amend § 578.705 in paragraph (b)(3) by removing the phrase “Office of Compliance and Enforcement” and adding in its place the phrase “Enforcement Division”.

### PART 588—WESTERN BALKANS STABILIZATION REGULATIONS

■ 42. The authority citation for part 588 continues to read as follows:

**Authority:** 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; 22 U.S.C. 287c; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13219, 66 FR 34777, 3 CFR, 2001 Comp., p. 778; E.O. 13304, 68 FR 32315, 3 CFR, 2004 Comp., p. 229; E.O. 14033, 86 FR 43905, 3 CFR, 2022 Comp., p. 591.

### Subpart G—Penalties and Findings of Violation

#### § 588.702 [Amended]

■ 43. Amend § 588.702 in paragraph (b)(3) by removing the phrase “Office of Compliance and Enforcement” and adding in its place the phrase “Enforcement Division”.

#### § 588.705 [Amended]

■ 44. Amend § 588.705 in paragraph (b)(3) by removing the phrase “Office of Compliance and Enforcement” and adding in its place the phrase “Enforcement Division”.

## PART 589—UKRAINE-/RUSSIA-RELATED SANCTIONS REGULATIONS

■ 45. The authority citation for part 589 continues to read as follows:

**Authority:** 3 U.S.C. 301; 22 U.S.C. 8901–8910, 8921–8930; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); Pub. L. 115–44, 131 Stat. 886 (codified in scattered sections of 22 U.S.C.); E.O. 13660, 79 FR 13493, 3 CFR, 2014 Comp., p. 226; E.O. 13661, 79 FR 15535, 3 CFR, 2014 Comp., p. 229; E.O. 13662, 79 FR 16169, 3 CFR, 2014 Comp., p. 233; E.O. 13685, 79 FR 77357, 3 CFR, 2014 Comp., p. 313.

### Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

#### § 589.521 [Amended]

■ 46. Amend § 589.521 in paragraph (b)(2) by removing the phrase “Office of Compliance and Enforcement” and adding in its place the phrase “Compliance Division”.

### Subpart G—Penalties and Findings of Violation

#### § 589.702 [Amended]

■ 47. Amend § 589.702 in paragraph (b)(3) by removing the phrase “Office of Compliance and Enforcement” and adding in its place the phrase “Enforcement Division”.

#### § 589.705 [Amended]

■ 48. Amend § 589.705 in paragraph (b)(3) by removing the phrase “Office of Compliance and Enforcement” and adding in its place the phrase “Enforcement Division”.

## PART 590—TRANSNATIONAL CRIMINAL ORGANIZATIONS SANCTIONS REGULATIONS

■ 49. The authority citation for part 590 continues to read as follows:

**Authority:** 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13581, 76 FR 44757, 3 CFR, 2011 Comp., p. 260; E.O. 13863, 84 FR 10255, 3 CFR, 2019 Comp., p. 267.

### Subpart G—Penalties and Findings of Violation

#### § 590.702 [Amended]

■ 50. Amend § 590.702 in paragraph (b)(3) by removing the phrase “Office of Compliance and Enforcement” and adding in its place the phrase “Enforcement Division”.

#### § 590.705 [Amended]

■ 51. Amend § 590.705 in paragraph (b)(3) by removing the phrase “Office of Compliance and Enforcement” and

adding in its place the phrase “Enforcement Division”.

## PART 592—ROUGH DIAMONDS CONTROL REGULATIONS

■ 52. The authority citation for part 592 continues to read as follows:

**Authority:** 3 U.S.C. 301; 19 U.S.C. 3901–3913; 31 U.S.C. 321(b); Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13312, 68 FR 45151, 3 CFR, 2003 Comp., p. 246.

### Subpart F—Penalties

#### § 592.602 [Amended]

■ 53. Amend § 592.602 in paragraph (b)(3) by removing the phrase “Office of Compliance and Enforcement” and adding in its place the phrase “Enforcement Division”.

## PART 594—GLOBAL TERRORISM SANCTIONS REGULATIONS

■ 54. The authority citation for part 594 is revised to read as follows:

**Authority:** 3 U.S.C. 301; 22 U.S.C. 287c; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); Pub. L. 114–102, 129 Stat. 2205, as amended (50 U.S.C. 1701 note); Title I, Pub. L. 115–44, 131 Stat. 886 (22 U.S.C. 9404–9411); Pub. L. 115–348, 132 Stat. 5055 (50 U.S.C. 1701 note); E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; E.O. 13268, 67 FR 44751, 3 CFR 2002 Comp., p. 240; E.O. 13284, 68 FR 4075, 3 CFR, 2003 Comp., p. 161; E.O. 13372, 70 FR 8499, 3 CFR, 2006 Comp., p. 159; E.O. 13886, 84 FR 48041, 3 CFR, 2019 Comp., p. 356.

### Subpart B—Prohibitions

#### § 594.201 [Amended]

■ 55. Amend § 594.201 in note 1 to § 594.201 by removing the phrase “Sanctions Compliance & Evaluation” and adding in its place the word “Compliance”.

### Subpart G—Penalties

#### § 594.702 [Amended]

■ 56. Amend § 594.702 in paragraph (c) by removing the word “his” and adding in its place the word “their”.

#### § 594.703 [Amended]

■ 57. Amend § 594.703 in paragraph (a) by removing the word “his” and adding in its place the word “their”.

## PART 597—FOREIGN TERRORIST ORGANIZATIONS SANCTIONS REGULATIONS

■ 58. The authority citation for part 597 continues to read as follows:

**Authority:** 8 U.S.C. 1189; 18 U.S.C. 2339B; 31 U.S.C. 321(b); Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note).

### Subpart C—General Definitions

#### § 597.305 [Amended]

■ 59. Amend § 597.305 by removing the word “his” and adding in its place the word “their”.

## PART 598—FOREIGN NARCOTICS KINGPIN SANCTIONS REGULATIONS

■ 60. The authority citation for part 598 continues to read as follows:

**Authority:** 3 U.S.C. 301; 21 U.S.C. 1901–1908; 31 U.S.C. 321(b); Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note).

### Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

#### § 598.511 [Amended]

■ 61. Amend § 598.511 by revising paragraph (b)(2) to read:

\* \* \* \* \*

(b) \* \* \*

(2) The reports, which must reference this section, are to be submitted to OFAC via email to [OFACReport@treasury.gov](mailto:OFACReport@treasury.gov).

### Appendix A to Chapter V—Information Pertaining to the Specially Designated Nationals and Blocked Persons List

■ 62. The authority citation for appendix A to chapter V is revised to read as follows:

**Authority:** 3 U.S.C. 301; 8 U.S.C. 1182, 1189; 18 U.S.C. 2339B; 21 U.S.C. 1901–1908; 22 U.S.C. 287c; 31 U.S.C. 321(b); 22 U.S.C. 9201–9255; 22 U.S.C. 10101–10103; 50 U.S.C. App. 1–44; Pub. L. 110–286, 122 Stat. 2632 (50 U.S.C. 1701 note); Pub. L. 111–195, 124 Stat. 1312 (22 U.S.C. 8501–8551); Pub. L. 112–81, 125 Stat. 1298 (22 U.S.C. 8513a); Pub. L. 112–158, 126 Stat. 1214 (22 U.S.C. 8701–8795); Pub. L. 112–208, 126 Stat. 1502 (22 U.S.C. 5811 note); Pub. L. 113–278, 128 Stat. 3011 (50 U.S.C. 1701 note); Pub. L. 114–102, 129 Stat. 2205 (50 U.S.C. 1701 note); Pub. L. 114–194, 130 Stat. 674 (50 U.S.C. 1701 note); Pub. L. 115–44, 131 Stat. 886 (codified in scattered sections of 22 U.S.C.).

### Appendix A to Chapter V [Amended]

■ 63. Amend appendix A to chapter V in the second paragraph and notes 5 and 7 by removing the phrase “Sanctions Compliance & Evaluation” and adding in its place the word “Compliance”.

Bradley T. Smith,

*Director, Office of Foreign Assets Control.*

[FR Doc. 2024–04503 Filed 3–1–24; 8:45 am]

BILLING CODE 4810–AL–P

**DEPARTMENT OF THE TREASURY****Office of Foreign Assets Control****31 CFR Part 546****Updates to the Darfur Sanctions Regulations**

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Treasury's Office of Foreign Assets Control (OFAC) is changing the heading of the Darfur Sanctions Regulations to the Sudan Stabilization Sanctions Regulations and amending the renamed regulations to implement a May 4, 2023 Sudan-related Executive Order. This rule also updates or adds new definitions, general licenses, and interpretative guidance, among other regulatory provisions.

**DATES:** This rule is effective March 5, 2024.

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

**SUPPLEMENTARY INFORMATION:****Electronic Availability**

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

**Background**

On May 28, 2009, OFAC issued the Darfur Sanctions Regulations, 31 CFR part 546 (74 FR 25432, May 28, 2009) (the "Regulations") to implement Executive Order (E.O.) 13400 of April 26, 2006, "Blocking Property of Persons in Connection with the Conflict in Sudan's Darfur Region" (71 FR 25483, May 1, 2006). The Regulations were issued pursuant to authorities delegated to the Secretary of the Treasury in E.O. 13400, which expanded the scope of the national emergency declared in E.O. 13067 of November 3, 1997, "Blocking Sudanese Government Property and Prohibiting Transactions with Sudan" (62 FR 59989, November 5, 1997) with respect to the policies and actions of the Government of Sudan. Since then, OFAC has amended the Regulations several times. OFAC is now amending the Regulations to implement provisions of E.O. 14098, "Imposing Sanctions on Certain Persons Destabilizing Sudan and Undermining the Goal of a Democratic Transition" (88 FR 29529, May 5, 2023). In addition, OFAC is amending the

Regulations to update or add new definitions, general licenses, and interpretative guidance, among other regulatory provisions. Furthermore, OFAC is renaming the Darfur Sanctions Regulations as the Sudan Stabilization Sanctions Regulations to reflect the expanded scope of the national emergency, as set forth in E.O. 14098.

On May 4, 2023, the President, invoking the authority of, *inter alia*, the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), issued E.O. 14098. In E.O. 14098, the President expanded the scope of the national emergency declared in E.O. 13067, and expanded by E.O. 13400, finding that the situation in Sudan, including the military's seizure of power in October 2021 and the outbreak of inter-service fighting in April 2023, constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States.

Section 1(a) of E.O. 14098 blocks, with certain exceptions, all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any U.S. person of: (i) any foreign person determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be responsible for, or complicit in, or to have directly or indirectly engaged or attempted to engage in, any of the following: (A) actions or policies that threaten the peace, security, or stability of Sudan; (B) actions or policies that obstruct, undermine, delay, or impede, or pose a significant risk of obstructing, undermining, delaying, or impeding, the formation or operation of a civilian transitional government, Sudan's transition to democracy, or a future democratically elected government; (C) actions or policies that have the purpose or effect of undermining democratic processes or institutions in Sudan; (D) censorship or other actions or policies that prohibit, limit, or penalize the exercise of freedoms of expression, association, or peaceful assembly by individuals in Sudan, or that limit access to free and independent news or information in or with respect to Sudan; (E) corruption, including bribery, misappropriation of state assets, and interference with public processes such as government oversight of parastatal budgets and revenues for personal benefit; (F) serious human rights abuse, including serious human rights abuse related to political repression, in or with respect to Sudan; (G) the targeting of women, children, or any other civilians through the commission of acts of

violence (including killing, maiming, torture, or rape or other sexual violence), abduction, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge, or through conduct that would constitute a serious abuse or violation of human rights or a violation of international humanitarian law; (H) the obstruction of the activities of United Nations missions—including peacekeeping missions, as well as diplomatic or humanitarian missions—in Sudan, or of the delivery of, distribution of, or access to humanitarian assistance; or (I) attacks against United Nations missions, including peacekeeping operations; (ii) any foreign person determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be or have been a leader, official, senior executive officer, or member of the board of directors of any entity: (A) that has, or whose members have, engaged in any activity described in subsection (a)(i) of E.O. 14098 relating to the tenure of such leader, official, senior executive officer, or member of the board of directors; or (B) whose property and interests in property are blocked pursuant to E.O. 14098 relating to the tenure of such leader, official, senior executive officer, or member of the board of directors; (iii) any foreign person determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be a spouse or adult child of any person whose property and interests in property are blocked pursuant to E.O. 14098; (iv) any foreign person determined by the Secretary of the Treasury, in consultation with the Secretary of State, to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any activity described in section 1(a)(i) of E.O. 14098 or any person whose property and interests in property are blocked pursuant to E.O. 14098; or (v) any foreign person determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to E.O. 14098. The blocked property and interests in property of the persons described above may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

Section 1(b) of E.O. 14098 provides that the prohibitions in section 1(a) of E.O. 14098 apply except to the extent

provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to E.O. 14098, and notwithstanding any contract entered into or any license or permit granted before the date of E.O. 14098.

Section 3 of E.O. 14098 provides that the prohibition on any transaction or dealing in blocked property or interests in property includes the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to E.O. 14098, and the receipt of any contribution or provision of funds, goods, or services from any such person.

In Section 4 of E.O. 14098, the President determined that the making of donations of the types of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)), by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to E.O. 14098 would seriously impair the President's ability to deal with the national emergency declared in E.O. 13067, as expanded. The President therefore prohibited the donation of such items except to the extent provided by statutes, or in regulations, rulings, instructions, orders, directives, or licenses that may be issued pursuant to E.O. 14098.

Section 5 of E.O. 14098 prohibits any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in E.O. 14098, as well as any conspiracy formed to violate such prohibitions.

Section 9 of E.O. 14098 authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of E.O. 14098. Section 9 of E.O. 14098 also provides that the Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions within the Department of the Treasury.

#### *Current Regulatory Action*

In furtherance of the purposes of E.O. 14098, OFAC is changing the heading of the Darfur Sanctions Regulations, 31 CFR part 546, to the Sudan Stabilization Sanctions Regulations and amending the renamed Regulations to implement E.O. 14098, among other changes. In particular, in subpart B of the Regulations, OFAC is revising § 546.201 to incorporate the new designation criteria provided in E.O. 14098, as well as adding § 546.201(e) to implement any

future Executive orders issued pursuant to E.O. 13067. Accordingly, throughout the Regulations, OFAC is amending all references to § 546.201(a) to references to § 546.201. In addition, OFAC is adding § 546.206 to detail transactions that are exempt from the prohibitions of the Regulations pursuant to section 203(b) of IEEPA (50 U.S.C. 1702(b)).

In subpart C of the Regulations, new definitions are being added to other key terms used throughout the Regulations. Because these new definitions were inserted in alphabetical order, the definitions that were in the prior abbreviated set of regulations have been renumbered. Specifically, OFAC is clarifying that the term *OFAC* means the Office of Foreign Assets Control, providing a definition for *foreign person* at § 546.306, and adding definitional guidance at § 546.300 clarifying that the terms defined in subpart C apply throughout the Regulations. Furthermore, OFAC is updating multiple definitions, including its definition of the term *effective date* at § 546.303.

In subpart D, which contains interpretive sections regarding the Regulations, OFAC is amending several interpretive provisions to align with the aforementioned changes to subpart B, as well as updating several provisions for clarity. OFAC has also added an interpretive provision at § 546.412 to clarify that the property and interests in property of an entity, including any political subdivision, agency, or instrumentality of a governmental entity, are not blocked solely because one or more persons whose property and interests in property are blocked pursuant to § 546.201 is a member, leader, official, senior executive officer, or otherwise exercises control.

Transactions otherwise prohibited by the Regulations but found to be consistent with U.S. policy may be authorized by one of the general licenses contained in subpart E of the Regulations or by a specific license issued pursuant to the procedures described in subpart E of 31 CFR part 501. OFAC is updating § 546.502 to conform with current statements of licensing policy and revising § 546.511, which authorizes certain transactions for the official business of certain international organizations and entities, and § 546.513, which authorizes certain transactions related to the provision of agricultural commodities, medicine, medical devices, replacement parts and components, or software updates, and the extraction, processing, transport, sale, or distribution of water in Sudan. OFAC has also added § 546.508, which authorizes certain payments for legal

services from funds originating outside the United States. In addition, the interpretive provisions that were in the prior set of regulations have been renumbered.

In subpart G of the Regulations, OFAC is revising several sections to describe the civil and criminal penalties applicable to violations of the Regulations, as well as the procedures governing the potential imposition of a civil monetary penalty or issuance of a Finding of Violation. OFAC is adding § 546.705 describing the procedures governing the potential issuance of a Finding of Violation. Finally, in subpart H of the Regulations, OFAC is updating a section heading at § 546.802 to reflect the delegation of certain authorities of the Secretary of the Treasury.

Throughout the Regulations, OFAC is changing references to “the Office of Foreign Assets Control” and “the Director of the Office of Foreign Assets Control” to “OFAC” for purposes of clarity and simplicity.

#### **Public Participation**

Because the Regulations involve a foreign affairs function, the provisions of E.O. 12866 of September 30, 1993, “Regulatory Planning and Review” (58 FR 51735, October 4, 1993), as amended, and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

#### **Paperwork Reduction Act**

The collections of information related to the Regulations are contained in 31 CFR part 501 (the “Reporting, Procedures and Penalties Regulations”). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget under control number 1505–0164. 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 control number.

#### **List of Subjects in 31 CFR Part 546**

Administrative practice and procedure, Banks, banking, Blocking of assets, Credit, Foreign trade, Penalties, Reporting and recordkeeping requirements, Sanctions, Securities, Services, Sudan.

For the reasons set forth in the preamble, OFAC amends 31 CFR part 546 as follows:

## PART 546—SUDAN STABILIZATION SANCTIONS REGULATIONS

- 1. Revise the heading of part 546 to read as set forth above.
- 2. The authority citation for part 546 is revised to read as follows:

**Authority:** 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; 22 U.S.C. 287c; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13067, 62 FR 59989, 3 CFR, 1997 Comp., p. 230; E.O. 13400, 71 FR 25483, 3 CFR, 2006 Comp., p. 220; E.O. 14098, 88 FR 29529.

### Subpart B—Prohibitions

- 3. Revise § 546.201 to read as follows:

#### § 546.201 Prohibited transactions involving blocked property.

(a) All property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any U.S. person of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(1) *E.O. 13400 Annex*. The persons listed in the Annex to Executive Order 13400 of April 26, 2006.

(2) *E.O. 13400*. Any person determined by the Secretary of the Treasury, after consultation with the Secretary of State:

(i) To have constituted a threat to the peace process in Darfur;

(ii) To have constituted a threat to stability in Darfur and the region;

(iii) To be responsible for conduct related to the conflict in Darfur that violates international law;

(iv) To be responsible for heinous conduct with respect to human life or limb related to the conflict in Darfur;

(v) To have directly or indirectly supplied, sold, or transferred arms or any related materiel, or any assistance, advice, or training related to military activities to:

(A) The Government of Sudan;

(B) The Sudan Liberation Movement/Army;

(C) The Justice and Equality Movement;

(D) The Janjaweed; or

(E) Any person (other than a person listed in paragraph (a)(2)(v)(A) through (D) of this section) operating in the states of North Darfur, South Darfur, or West Darfur that is a belligerent, a nongovernmental entity, or an individual;

(vi) To be responsible for offensive military overflights in and over the Darfur region;

(vii) To have materially assisted, sponsored, or provided financial, material, or technological support for, or

goods or services in support of, the activities described in paragraphs (a)(2)(i) through (vi) of this section or any person whose property and interests in property are blocked pursuant to paragraphs (a)(1) through (2) of this section; or

(viii) To be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to paragraphs (a)(1) through (2) of this section.

(3) *E.O. 14098*. Any foreign person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

(i) To be responsible for, or complicit in, or to have directly or indirectly engaged or attempted to engage in, any of the following:

(A) Actions or policies that threaten the peace, security, or stability of Sudan;

(B) Actions or policies that obstruct, undermine, delay, or impede, or pose a significant risk of obstructing, undermining, delaying, or impeding, the formation or operation of a civilian transitional government, Sudan's transition to democracy, or a future democratically elected government;

(C) Actions or policies that have the purpose or effect of undermining democratic processes or institutions in Sudan;

(D) Censorship or other actions or policies that prohibit, limit, or penalize the exercise of freedoms of expression, association, or peaceful assembly by individuals in Sudan, or that limit access to free and independent news or information in or with respect to Sudan;

(E) Corruption, including bribery, misappropriation of state assets, and interference with public processes such as government oversight of parastatal budgets and revenues for personal benefit;

(F) Serious human rights abuse, including serious human rights abuse related to political repression, in or with respect to Sudan;

(G) The targeting of women, children, or any other civilians through the commission of acts of violence (including killing, maiming, torture, or rape or other sexual violence), abduction, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge, or through conduct that would constitute a serious abuse or violation of human rights or a violation of international humanitarian law;

(H) The obstruction of the activities of United Nations missions—including peacekeeping missions, as well as

diplomatic or humanitarian missions—in Sudan, or of the delivery of, distribution of, or access to humanitarian assistance; or

(I) Attacks against United Nations missions, including peacekeeping operations;

(ii) To be or have been a leader, official, senior executive officer, or member of the board of directors of any entity:

(A) That has, or whose members have, engaged in any activity described in paragraph (a)(3)(i) of this section relating to the tenure of such leader, official, senior executive officer, or member of the board of directors; or

(B) Whose property and interests in property are blocked pursuant to this order relating to the tenure of such leader, official, senior executive officer, or member of the board of directors;

(iii) To be a spouse or adult child of any person whose property and interests in property are blocked pursuant to paragraph (a)(3) of this section;

(iv) To have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any activity described in paragraph (a)(3)(i) of this section or any person whose property and interests in property are blocked pursuant to paragraph (a)(3) of this section; or

(v) To be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to paragraph (a)(3) of this section.

(b) The prohibitions in this section include, but are not limited to, prohibitions on the following transactions when engaged in by a United States person or within the United States:

(1) The making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to paragraph (a) of this section; and

(2) The receipt of any contribution or provision of funds, goods, or services from any person whose property and interests in property are blocked pursuant to paragraph (a) of this section.

(c) Unless otherwise authorized by this part or by a specific license expressly referring to this section, any dealing in any security (or evidence thereof) held within the possession or control of a U.S. person and either registered or inscribed in the name of, or known to be held for the benefit of, or issued by, any person whose property and interests in property are blocked pursuant to this section is prohibited.

This prohibition includes but is not limited to the transfer (including the transfer on the books of any issuer or agent thereof), disposition, transportation, importation, exportation, or withdrawal of, or the endorsement or guaranty of signatures on, any such security on or after the effective date. This prohibition applies irrespective of the fact that at any time (whether prior to, on, or subsequent to the effective date) the registered or inscribed owner of any such security may have or might appear to have assigned, transferred, or otherwise disposed of the security.

(d) The prohibitions in paragraph (a) of this section apply except to the extent provided by statutes, or in regulations, rulings, instructions, orders, directives, or licenses that may be issued pursuant to this part, and notwithstanding any contract entered into or any license or permit granted prior to the effective date.

(e) All transactions prohibited pursuant to any Executive order issued after May 4, 2023 pursuant to the national emergency declared in E.O. 13067 of November 3, 1997 and expanded by E.O. 13400 of April 26, 2006 and E.O. 14098 of May 4, 2023 are prohibited pursuant to this part.

**Note 1 to § 546.201.** The names of persons listed in, or designated or identified as blocked pursuant to E.O. 13067, or any further Executive orders issued pursuant to the national emergency declared therein, whose property and interests in property therefore are blocked pursuant to this section, are published in the **Federal Register** and incorporated into OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) using the following identifiers: for E.O. 13400: "[DARFUR]"; for E.O. 14098: "[SUDAN-EO14098]"; and for any further Executive orders issued pursuant to the national emergency declared in E.O. 13067 using the identifier formulation "[SUDAN-E.O.[E.O. number pursuant to which the person's property and interests in property are blocked]]." The SDN List is accessible through the following page on OFAC's website: [www.treasury.gov/sdn](http://www.treasury.gov/sdn). Additional information pertaining to the SDN List can be found in appendix A to this chapter. See § 546.411 concerning entities that may not be listed on the SDN List but whose property and interests in property are nevertheless blocked pursuant to this section.

**Note 2 to § 546.201.** Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) authorizes the blocking of property and interests in property of a person during the pendency of an investigation. The names of persons whose property and interests in property are blocked pending investigation pursuant to this section also are published in the **Federal Register** and incorporated into the SDN List using the following identifiers: for E.O. 13400: "[BPI-DARFUR]"; for E.O. 14098,

"[BPI-SUDAN-EO14098]"; and for any further Executive orders issued pursuant to the national emergency declared in E.O. 13067: using the identifier formulation "[BPI-SUDAN-[E.O. number pursuant to which the person's property and interests in property are blocked pending investigation]]."

**Note 3 to § 546.201.** Sections 501.806 and 501.807 of this chapter describe the procedures to be followed by persons seeking, respectively, the unblocking of funds that they believe were blocked due to mistaken identity, or administrative reconsideration of their status as persons whose property and interests in property are blocked pursuant to this section.

■ 4. Amend § 546.202 by:

■ a. Revising and republishing paragraph (a);

■ b. In paragraph (b), removing "§ 546.201(a)" and adding in its place "§ 546.201";

■ c. Revising paragraph (c).

■ d. In paragraph (d)(3)(i), removing "license, or other directive" and adding in its place "order, directive, license,".

■ e. Redesignating paragraph (e) as paragraph (f).

■ f. Redesignating Note to paragraph (d) of § 546.202 as paragraph (e).

■ g. In newly redesignated paragraph (e), removing "(d)(1) and (d)(2)" and adding in its place "(d)(1) and (2)".

■ h. Revising newly redesignated paragraph (f);

■ i. Removing "the Director of the Office of Foreign Assets Control" wherever it appears and adding in its place "OFAC".

The revisions read as follows:

#### § 546.202 Effect of transfers violating the provisions of this part.

(a) Any transfer after the effective date that is in violation of any provision of this part or of any regulation, ruling, instruction, order, directive, or license issued pursuant to this part, and that involves any property or interest in property blocked pursuant to § 546.201, is null and void and shall not be the basis for the assertion or recognition of any interest in or right, remedy, power, or privilege with respect to such property or interest in property.

\* \* \* \* \*

(c) Unless otherwise provided, a license or other authorization issued by OFAC before, during, or after a transfer shall validate such transfer or make it enforceable to the same extent that it would be valid or enforceable but for the provisions of this part and any regulation, ruling, instruction, order, directive, or license issued pursuant to this part.

\* \* \* \* \*

(f) Unless licensed pursuant to this part, any attachment, judgment, decree,

lien, execution, garnishment, or other judicial process is null and void with respect to any property or interest in property blocked pursuant to § 546.201.

■ 5. Revise § 546.205 to read as follows:

#### § 546.205 Evasions; attempts; causing violations; conspiracies.

(a) Any transaction on or after the effective date that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this part is prohibited.

(b) Any conspiracy formed to violate the prohibitions set forth in this part is prohibited.

■ 6. Add § 546.206 to read as follows:

#### § 546.206 Exempt transactions.

(a) *United Nations Participation Act.* The exemptions described in this section do not apply to transactions involving property or interests in property of persons whose property and interests in property are blocked pursuant to the authority of the United Nations Participation Act, as amended (22 U.S.C. 287c) (UNPA).

**Note 1 to paragraph (a).** Persons whose property and interests in property are blocked pursuant to the authority of the UNPA include those listed on *both* OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) and the Consolidated United Nations Security Council Sanctions List (UN List) (*see* <https://www.un.org>), as well as persons listed on the SDN List for being owned or controlled by, or acting for or on behalf of, persons listed on *both* the SDN List and the UN List.

(b) *International Emergency Economic Powers Act.* The prohibitions contained in this part do not apply to any transactions that are exempt pursuant to section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)).

(c) *Official business.* The prohibitions contained in § 546.201(a)(3) do not apply to transactions for the conduct of the official business of the United States Government or the United Nations (and its Specialized Agencies, Programmes, Funds, and Related Organizations) by employees, grantees, or contractors thereof.

**Note 2 to § 546.206.** See § 546.510 for a general license authorizing transactions for the conduct of the official business of the United States Government not otherwise exempt.

**Note 3 to § 546.206.** See § 546.511 for a general license authorizing transactions for the conduct of the official business of certain international organizations and entities not otherwise exempt.

**Subpart C—General Definitions****§§ 546.305 through 546.313**  
**[Redesignated]**

- 7. Redesignate §§ 546.305 through 546.313 as follows:

Old section	New section
546.305	546.308
546.306	546.309
546.307	546.311
546.308	546.312
546.309	546.313
546.310	546.314
546.311	546.315
546.312	546.316
546.313	546.305

- 8. Add § 546.300 to read as follows:

**§ 546.300 Applicability of definitions.**

The definitions in this subpart apply throughout the entire part.

- 9. Revise and republish § 546.302 to read as follows:

**§ 546.302 Blocked account; blocked property.**

The terms *blocked account* and *blocked property* mean any account or property subject to the prohibitions in § 546.201 held in the name of a person whose property and interests in property are blocked pursuant to § 546.201, or in which such person has an interest, and with respect to which payments, transfers, exportations, withdrawals, or other dealings may not be made or effected except pursuant to a license or other authorization from OFAC expressly authorizing such action.

**Note 1 to § 546.302:** See § 546.411 concerning the blocked status of property and interests in property of an entity that is directly or indirectly owned, whether individually or in the aggregate, 50 percent or more by one or more persons whose property and interests in property are blocked pursuant to § 546.201.

- 10. Revise § 546.303 to read as follows:

**§ 546.303 Effective date.**

(a) The term *effective date* refers to the effective date of the applicable prohibitions and directives contained in this part as follows:

(1) With respect to a person whose property and interests in property are blocked pursuant to § 546.201(a)(1), 12:01 a.m. eastern daylight time, April 27, 2006;

(2) With respect to a person whose property and interests in property are otherwise blocked pursuant to § 546.201, the earlier of the date of actual or constructive notice that such

person's property and interests in property are blocked.

(b) For the purposes of this section, *constructive notice* is the date that a notice of the blocking of the relevant person's property and interests in property is published in the **Federal Register**.

**§ 546.305 [Amended]**

- 11. Amend newly designated § 546.305 as follows:

■ a. Remove “, as used in § 546.201(a)(2)(vii) of this part,”.

■ b. Remove “ but not limited to”.

- 12. Add § 546.306 to read as follows:

**§ 546.306 Foreign person.**

The term *foreign person* means any person that is not a U.S. person.

**§ 546.307 [Reserved]**

- 13. Add and reserve § 546.307.

**§ 546.309 [Amended]**

- 14. Revise newly designated § 546.309 as follows:

(a) Except as otherwise provided in this part, the term *license* means any license or authorization contained in or issued pursuant to this part.

(b) The term *general license* means any license or authorization the terms of which are set forth in subpart E of this part or made available on OFAC's website: <https://ofac.treasury.gov/>.

(c) The term *specific license* means any license or authorization issued pursuant to this part but not set forth in subpart E of this part or made available on OFAC's website: <https://ofac.treasury.gov/>.

- 15. Add § 546.310 to read as follows:

**§ 546.310 OFAC.**

The term *OFAC* means the Department of the Treasury's Office of Foreign Assets Control.

**§ 546.312 [Amended]**

- 16. In newly designated § 546.312, remove “, but are not limited to,”.

**§ 546.313 [Amended]**

■ 17. Amend newly designated § 546.313 by removing “ and, without limitation upon the foregoing” and adding, in its place, “ Without limitation on the foregoing, it”.

- 18. Revise newly redesignated § 546.315 to read as follows:

**§ 546.315 U.S. financial institution.**

The term *U.S. financial institution* means any U.S. entity (including its foreign branches) that is engaged in the business of accepting deposits, making, granting, transferring, holding, or brokering loans or credits, purchasing or

selling foreign exchange, securities, futures or options, or procuring purchasers and sellers thereof, as principal or agent. It includes depository institutions, banks, savings banks, money services businesses, operators of credit card systems, trust companies, insurance companies, securities brokers and dealers, futures and options brokers and dealers, forward contract and foreign exchange merchants, securities and commodities exchanges, clearing corporations, investment companies, employee benefit plans, dealers in precious metals, stones, or jewels, and U.S. holding companies, U.S. affiliates, or U.S. subsidiaries of any of the foregoing. This term includes those branches, offices, and agencies of foreign financial institutions that are located in the United States, but not such institutions' foreign branches, offices, or agencies.

**Subpart D—Interpretations**

- 19. Revise § 546.401 to read as follows:

**§ 546.401 Reference to amended sections.**

(a) Reference to any section in this part is a reference to the same as currently amended, unless the reference includes a specific date. *See* 44 U.S.C. 1510.

(b) Reference to any regulation, ruling, instruction, order, directive, or license issued pursuant to this part is a reference to the same as currently amended unless otherwise specified.

- 20. Revise § 546.402 to read as follows:

**§ 546.402 Effect of amendment.**

Unless otherwise specifically provided, any amendment, modification, or revocation of any provision in or appendix to this part or chapter or of any regulation, ruling, instruction, order, directive, or license issued by OFAC does not affect any act done or omitted, or any civil or criminal proceeding commenced or pending, prior to such amendment, modification, or revocation. All penalties, forfeitures, and liabilities under any such regulation, ruling, instruction, order, directive, or license continue and may be enforced as if such amendment, modification, or revocation had not been made.

**§ 546.403 [Amended]**

- 21. Amend § 546.403 as follows:

■ a. In paragraph (a),

■ i. Add “ whose property and interests in property are blocked pursuant to § 546.201” after “away from a person”; and



- ii. Remove “or any other part of this chapter”; and
- b. Remove “§ 546.201(a)” wherever it appears and add in its place “§ 546.201”.

■ 22. Revise § 546.404 to read as follows:

**§ 546.404 Transactions ordinarily incident to a licensed transaction.**

(a) Any transaction ordinarily incident to a licensed transaction and necessary to give effect thereto is also authorized, except:

(1) An ordinarily incident transaction, not explicitly authorized within the terms of the license, by or with a person whose property and interests in property are blocked pursuant to § 546.201; or

(2) An ordinarily incident transaction, not explicitly authorized within the terms of the license, involving a debit to a blocked account or a transfer of blocked property.

(b) For example, a license authorizing a person to complete a securities sale involving Company A, whose property and interests in property are blocked pursuant to § 546.201, also authorizes other persons to engage in activities that are ordinarily incident and necessary to complete the sale, including transactions by the buyer, broker, transfer agents, and banks, provided that such other persons are not themselves persons whose property and interests in property are blocked pursuant to § 546.201.

**§ 546.405 [Amended]**

■ 23. Amend § 546.405 as follows:

■ a. In both places where it occurs, remove “§ 546.201(a)” and add in its place “§ 546.201”.

■ b. In Note to § 546.405, remove “§§ 546.507 and 546.508” and add in its place “§§ 546.507 and 546.509”.

**§ 546.410 [Amended]**

■ 24. Amend § 546.410 by removing “bank” and adding in its place “financial institution”.

■ 25. Add § 546.412 to read as follows:

**§ 546.412 Entities of which one or more blocked persons is a member, leader, official, senior executive officer, or otherwise exercises control.**

(a) The property and interests in property of an entity, including any political subdivision, agency, or instrumentality of a governmental entity, are not blocked solely because one or more persons whose property and interests in property are blocked pursuant to § 546.201 is a member, leader, official, senior executive officer, or otherwise exercises control.

**Note 1 to paragraph (a).** See § 546.411 concerning the blocked status of property and interests in property of an entity that is directly or indirectly owned, whether individually or in the aggregate, 50 percent or more by one or more persons whose property and interests in property are blocked pursuant to § 546.201.

(b) For example, U.S. persons may not, except as authorized or exempt pursuant to this part, engage in the following transactions with a person whose property and interests in property are blocked pursuant to § 546.201: enter into contracts that are signed by a blocked person, enter into negotiations with a blocked person, or process transactions, directly or indirectly, on behalf of a person whose property and interests in property are blocked pursuant to § 546.201. However, U.S. persons are not prohibited from engaging in a routine interaction with an agency in which a blocked person is an official, but which does not involve the blocked person directly or indirectly.

**Note 2 to § 546.412.** OFAC encourages U.S. persons to be cautious in engaging in transactions with any entity of which a person whose property and interests in property are blocked pursuant to § 546.201 is a member, leader, official, senior executive officer, or otherwise exercises control to ensure that U.S. persons are not engaged in transactions, directly or indirectly, with a blocked person, except as authorized or exempt pursuant to this part.

**Subpart E—Licenses, Authorizations, and Statements of Licensing Policy**

■ 26. Redesignate §§ 546.508 through 546.512 as follows:

Old section	New section
546.508	546.509
546.509	546.510
546.510	546.511
546.511	546.512
546.512	546.513

■ 27. Revise and republish § 546.501 to read as follows:

**§ 546.501 General and specific licensing procedures.**

For provisions relating to licensing procedures, see part 501, subpart E of this chapter. Licensing actions taken pursuant to part 501 of this chapter with respect to the prohibitions contained in this part are considered actions taken pursuant to this part. General licenses and statements of licensing policy relating to this part also may be available through the Sudan Stabilization Sanctions Regulations sanctions page on OFAC’s website: <https://ofac.treasury.gov>.

■ 28. Revise § 546.502 to read as follows:

**§ 546.502 Effect of license or other authorization.**

(a) No license or other authorization contained in this part, or otherwise issued by OFAC, authorizes or validates any transaction effected prior to the issuance of such license or other authorization, unless specifically provided in such license or authorization.

(b) No regulation, ruling, instruction, order, directive, or license authorizes any transaction prohibited under this part unless the regulation, ruling, instruction, order, directive, or license is issued by OFAC and specifically refers to this part. No regulation, ruling, instruction, order, directive, or license referring to this part shall be deemed to authorize any transaction prohibited by any other part of this chapter unless the regulation, ruling, instruction, order, directive, or license specifically refers to such part.

(c) Any regulation, ruling, instruction, order, directive, or license authorizing any transaction prohibited under this part has the effect of removing a prohibition contained in this part from the transaction, but only to the extent specifically stated by its terms. Unless the regulation, ruling, instruction, order, directive, or license otherwise specifies, such an authorization does not create any right, duty, obligation, claim, or interest in, or with respect to, any property that would not otherwise exist under ordinary principles of law.

(d) Nothing contained in this part shall be construed to supersede the requirements established under any other provision of law or to relieve a person from any requirement to obtain a license or other authorization from another department or agency of the U.S. government in compliance with applicable laws and regulations subject to the jurisdiction of that department or agency. For example, exports of goods, services, or technical data that are not prohibited by this part or that do not require a license by OFAC nevertheless may require authorization by the U.S. Department of Commerce, the U.S. Department of State, or other agencies of the U.S. government.

(e) No license or other authorization contained in or issued pursuant to this part authorizes transfers of or payments from blocked property or debits to blocked accounts unless the license or other authorization explicitly authorizes the transfer of or payment from blocked property or the debit to a blocked account.

(f) Any payment relating to a transaction authorized in or pursuant to this part that is routed through the U.S. financial system should reference the



relevant OFAC general or specific license authorizing the payment to avoid the blocking or rejection of the transfer.

■ 29. Revise § 546.507 to read as follows:

**§ 546.507 Provision of certain legal services.**

(a) The provision of the following legal services to or on behalf of persons whose property and interests in property are blocked pursuant to § 546.201 is authorized, provided that any receipt of payment of professional fees and reimbursement of incurred expenses must be authorized pursuant to § 546.508, which authorizes certain payments for legal services from funds originating outside the United States; via specific license; or otherwise pursuant to this part:

(1) Provision of legal advice and counseling on the requirements of and compliance with the laws of the United States or any jurisdiction within the United States, provided that such advice and counseling are not provided to facilitate transactions in violation of this part;

(2) Representation of persons named as defendants in or otherwise made parties to legal, arbitration, or administrative proceedings before any U.S. Federal, state, or local court or agency;

(3) Initiation and conduct of legal, arbitration, or administrative proceedings before any U.S. Federal, state, or local court or agency;

(4) Representation of persons before any U.S. Federal, state, or local court or agency with respect to the imposition, administration, or enforcement of U.S. sanctions against such persons; and

(5) Provision of legal services in any other context in which prevailing U.S. law requires access to legal counsel at public expense.

(b) The provision of any other legal services to or on behalf of persons whose property and interests in property are blocked pursuant to § 546.201, not otherwise authorized in this part, requires the issuance of a specific license.

(c) U.S. persons do not need to obtain specific authorization to provide related services, such as making filings and providing other administrative services, that are ordinarily incident to the provision of services authorized by paragraph (a) of this section. Additionally, U.S. persons who provide services authorized by paragraph (a) of this section do not need to obtain specific authorization to contract for related services that are ordinarily incident to the provision of those legal

services, such as those provided by private investigators or expert witnesses, or to pay for such services. See § 546.404.

(d) Entry into a settlement agreement or the enforcement of any lien, judgment, arbitral award, decree, or other order through execution, garnishment, or other judicial process purporting to transfer or otherwise alter or affect property or interests in property blocked pursuant to § 546.201 is prohibited unless licensed pursuant to this part.

**Note 1 to § 546.507.** Pursuant to part 501, subpart E, of this chapter, U.S. persons seeking administrative reconsideration or judicial review of their designation or the blocking of their property and interests in property may apply for a specific license from OFAC to authorize the release of certain blocked funds for the payment of professional fees and reimbursement of incurred expenses for the provision of such legal services where alternative funding sources are not available.

■ 30. Add § 546.508 to read as follows:

**§ 546.508 Payments for legal services from funds originating outside the United States.**

(a) *Professional fees and incurred expenses.* (1) Receipt of payment of professional fees and reimbursement of incurred expenses for the provision of legal services authorized pursuant to § 546.507(a) to or on behalf of any person whose property and interests in property are blocked pursuant to § 546.201, is authorized from funds originating outside the United States, provided that the funds do not originate from:

(i) A source within the United States;

(ii) Any source, wherever located, within the possession or control of a U.S. person; or

(iii) Any individual or entity, other than the person on whose behalf the legal services authorized pursuant to § 546.507(a) are to be provided, whose property and interests in property are blocked pursuant to any part of this chapter or any Executive order or statute.

(2) Nothing in this paragraph (a) authorizes payments for legal services using funds in which any other person whose property and interests in property are blocked pursuant to § 546.201, any other part of this chapter, or any Executive order or statute has an interest.

(b) *Records.* Consistent with § 501.601 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for five years from the date of the relevant payment a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

(3) These records must be furnished to OFAC on demand consistent with § 501.602 of this chapter.

■ 31. Revise newly redesignated § 546.509 to read as follows:

**§ 546.509 Emergency medical services.**

The provision and receipt of nonscheduled emergency medical services that are prohibited by this part are authorized.

■ 32. Amend newly redesignated § 546.511 by:

■ a. In paragraph (a)(5), removing “and”;

■ b. In paragraph (a)(6), removing “.” and adding in its place “; and”; and

■ c. Adding paragraph (a)(7).

The addition reads as follows:

**§ 546.511 Official business of certain international organizations and entities.**

\* \* \* \* \*

(a) \* \* \*

(7) The African Union, including the African Union Commission and other subsidiary bodies and organs.

\* \* \* \* \*

■ 33. Revise newly redesignated § 546.513 to read as follows:

**§ 546.513 Transactions related to the provision of agricultural commodities, medicine, medical devices, replacement parts and components, or software updates, and the extraction, processing, transport, sale, or distribution of water in Sudan.**

(a) All transactions prohibited by this part that are related to the provision of agricultural commodities, medicine, medical devices, replacement parts and components for medical devices, or software updates for medical devices to Sudan or to persons in third countries purchasing specifically for resale to Sudan, or to an individual whose property and interests in property are blocked pursuant to this part in quantities consistent with personal, non-commercial use, are authorized.

(b) All transactions prohibited by this part that are related to the extraction, processing, transport, sale, or distribution of water, including the

maintenance or repair of water pipelines, are authorized.

(c) For the purposes of this general license, agricultural commodities, medicine, and medical devices are defined as follows:

(1) *Agricultural commodities.*

Agricultural commodities are products:

(i) That fall within the term “agricultural commodity” as defined in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602); and  
(ii) That are intended for ultimate use in Sudan as:

(A) Food for humans (including raw, processed, and packaged foods; live animals; vitamins and minerals; food additives or supplements; and bottled drinking water) or animals (including animal feeds);

(B) Seeds for food crops;

(C) Fertilizers or organic fertilizers; or

(D) Reproductive materials (such as live animals, fertilized eggs, embryos, and semen) for the production of food animals.

(2) *Medicine.* Medicine is an item that falls within the definition of the term “drug” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(3) *Medical devices.* A medical device is an item that falls within the definition of “device” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

**Note 1 to § 546.513.** This general license does not relieve any person authorized thereunder from complying with any other applicable laws or regulations.

## Subpart G—Penalties and Findings of Violation

■ 34. Revise the heading of subpart G to read as set forth above.

■ 35. Revise § 546.701 to read as follows:

### § 546.701 Penalties.

(a) Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) (IEEPA) is applicable to violations of the provisions of any regulation, ruling, instruction, order, directive, or license issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under IEEPA.

(1) A civil penalty not to exceed the amount set forth in section 206 of IEEPA may be imposed on any person who violates, attempts to violate, conspires to violate, or causes a violation of any regulation, ruling, instruction, order, directive, license, or prohibition issued under IEEPA.

(2) IEEPA provides for a maximum civil penalty not to exceed the greater of

\$368,136 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

(3) A person who willfully commits, willfully attempts to commit, willfully conspires to commit, or aids or abets in the commission of a violation of any regulation, ruling, instruction, order, directive, license, or prohibition may, upon conviction, be fined not more than \$1,000,000, or if a natural person, be imprisoned for not more than 20 years, or both.

(b)(1) The civil penalties provided in IEEPA are subject to adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410, as amended, 28 U.S.C. 2461 note).

(2) The criminal penalties provided in IEEPA are subject to adjustment pursuant to 18 U.S.C. 3571.

(c) Pursuant to 18 U.S.C. 1001, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the government of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; or makes any materially false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be fined under title 18, United States Code, imprisoned, or both.

(d) Section 5(b) of the United Nations Participation Act, as amended (22 U.S.C. 287c(b)) (UNPA), provides that any person who willfully violates or evades or attempts to violate or evade any order, rule, or regulation issued by the President pursuant to Section 5(a) of the UNPA shall, upon conviction, be fined not more than \$1,000,000 and, if a natural person, be imprisoned for not more than 20 years, or both.

(e) Violations involving transactions described at section 203(b)(1), (3), and (4) of IEEPA shall be subject only to the penalties set forth in paragraph (d) of this section.

(f) Violations of this part may also be subject to other applicable laws.

■ 36. Revise § 546.702 to read as follows:

### § 546.702 Pre-Penalty Notice; settlement.

(a) *When required.* If OFAC has reason to believe that there has occurred a violation of any provision of this part or a violation of the provisions of any regulation, ruling, instruction, order, directive, or license issued by or pursuant to the direction or authorization of the Secretary of the

Treasury pursuant to this part or otherwise under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and determines that a civil monetary penalty is warranted, OFAC will issue a Pre-Penalty Notice informing the alleged violator of the agency’s intent to impose a monetary penalty. A Pre-Penalty Notice shall be in writing. The Pre-Penalty Notice may be issued whether or not another agency has taken any action with respect to the matter. For a description of the contents of a Pre-Penalty Notice, *see* appendix A to part 501 of this chapter.

(b) *Response—(1) Right to respond.* An alleged violator has the right to respond to a Pre-Penalty Notice by making a written presentation to OFAC. For a description of the information that should be included in such a response, *see* appendix A to part 501 of this chapter.

(2) *Deadline for response.* A response to a Pre-Penalty Notice must be made within 30 days as set forth in paragraphs (b)(2)(i) and (ii) of this section. The failure to submit a response within 30 days shall be deemed to be a waiver of the right to respond.

(i) *Computation of time for response.* A response to a Pre-Penalty Notice must be postmarked or date-stamped by the U.S. Postal Service (or foreign postal service, if mailed abroad) or courier service provider (if transmitted to OFAC by courier), or dated if sent by email, on or before the 30th day after the postmark date on the envelope in which the Pre-Penalty Notice was mailed or date the Pre-Penalty Notice was emailed. If the Pre-Penalty Notice was personally delivered by a non-U.S. Postal Service agent authorized by OFAC, a response must be postmarked or date-stamped on or before the 30th day after the date of delivery.

(ii) *Extensions of time for response.* If a due date falls on a federal holiday or weekend, that due date is extended to include the following business day. Any other extensions of time will be granted, at the discretion of OFAC, only upon specific request to OFAC.

(3) *Form and method of response.* A response to a Pre-Penalty Notice need not be in any particular form, but it must be typewritten and signed by the alleged violator or a representative thereof (electronic signature is acceptable), contain information sufficient to indicate that it is in response to the Pre-Penalty Notice, and include the OFAC identification number listed on the Pre-Penalty Notice. The response must be sent to OFAC’s Enforcement Division by mail or courier or email and must be postmarked or

date-stamped in accordance with paragraph (b)(2) of this section.

(c) *Settlement.* Settlement discussion may be initiated by OFAC, the alleged violator, or the alleged violator's authorized representative. For a description of practices with respect to settlement, see appendix A to part 501 of this chapter.

(d) *Guidelines.* Guidelines for the imposition or settlement of civil penalties by OFAC are contained in appendix A to part 501 of this chapter.

(e) *Representation.* A representative of the alleged violator may act on behalf of the alleged violator, but any oral communication with OFAC prior to a written submission regarding the specific allegations contained in the Pre-Penalty Notice must be preceded by a written letter of representation, unless the Pre-Penalty Notice was served upon the alleged violator in care of the representative.

■ 37. Add § 546.705 to read as follows:

**§ 546.705 Findings of Violation.**

(a) *When issued.* (1) OFAC may issue an initial Finding of Violation that identifies a violation if OFAC:

(i) Determines that there has occurred a violation of any provision of this part, or a violation of the provisions of any regulation, ruling, instruction, order, directive, or license issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*);

(ii) Considers it important to document the occurrence of a violation; and

(iii) Based on the Guidelines contained in appendix A to part 501 of this chapter, concludes that an administrative response is warranted but that a civil monetary penalty is not the most appropriate response.

(2) An initial Finding of Violation shall be in writing and may be issued whether or not another agency has taken any action with respect to the matter. For additional details concerning issuance of a Finding of Violation, see appendix A to part 501 of this chapter.

(b) *Response*—(1) *Right to respond.* An alleged violator has the right to contest an initial Finding of Violation by providing a written response to OFAC.

(2) *Deadline for response; default determination.* A response to an initial Finding of Violation must be made within 30 days as set forth in paragraphs (b)(2)(i) and (ii) of this section. The failure to submit a response within 30 days shall be deemed to be a waiver of

the right to respond, and the initial Finding of Violation will become final and will constitute final agency action. The violator has the right to seek judicial review of that final agency action in federal district court.

(i) *Computation of time for response.* A response to an initial Finding of Violation must be postmarked or date-stamped by the U.S. Postal Service (or foreign postal service, if mailed abroad) or courier service provider (if transmitted to OFAC by courier), or dated if sent by email, on or before the 30th day after the postmark date on the envelope in which the initial Finding of Violation was served or date the Finding of Violation was sent by email. If the initial Finding of Violation was personally delivered by a non-U.S. Postal Service agent authorized by OFAC, a response must be postmarked or date-stamped on or before the 30th day after the date of delivery.

(ii) *Extensions of time for response.* If a due date falls on a federal holiday or weekend, that due date is extended to include the following business day. Any other extensions of time will be granted, at the discretion of OFAC, only upon specific request to OFAC.

(3) *Form and method of response.* A response to an initial Finding of Violation need not be in any particular form, but it must be typewritten and signed by the alleged violator or a representative thereof (electronic signature is acceptable), contain information sufficient to indicate that it is in response to the initial Finding of Violation, and include the OFAC identification number listed on the initial Finding of Violation. The response must be sent to OFAC's Enforcement Division by mail or courier or email and must be postmarked or date-stamped in accordance with paragraph (b)(2) of this section.

(4) *Information that should be included in response.* Any response should set forth in detail why the alleged violator either believes that a violation of the regulations did not occur and/or why a Finding of Violation is otherwise unwarranted under the circumstances, with reference to the General Factors Affecting Administrative Action set forth in the Guidelines contained in appendix A to part 501 of this chapter. The response should include all documentary or other evidence available to the alleged violator that supports the arguments set forth in the response. OFAC will consider all relevant materials submitted in the response.

(c) *Determination*—(1) *Determination that a Finding of Violation is warranted.* If, after considering the response, OFAC

determines that a final Finding of Violation should be issued, OFAC will issue a final Finding of Violation that will inform the violator of its decision. A final Finding of Violation shall constitute final agency action. The violator has the right to seek judicial review of that final agency action in federal district court.

(2) *Determination that a Finding of Violation is not warranted.* If, after considering the response, OFAC determines a Finding of Violation is not warranted, then OFAC will inform the alleged violator of its decision not to issue a final Finding of Violation.

**Note 1 to paragraph (c)(2).** A determination by OFAC that a final Finding of Violation is not warranted does not preclude OFAC from pursuing other enforcement actions consistent with the Guidelines contained in appendix A to part 501 of this chapter.

(d) *Representation.* A representative of the alleged violator may act on behalf of the alleged violator, but any oral communication with OFAC prior to a written submission regarding the specific alleged violations contained in the initial Finding of Violation must be preceded by a written letter of representation, unless the initial Finding of Violation was served upon the alleged violator in care of the representative.

**Subpart H—Procedures. [Amended]**

■ 38. Revise and republish § 546.802 to read as follows:

**§ 546.802 Delegation of certain authorities of the Secretary of the Treasury**

Any action that the Secretary of the Treasury is authorized to take pursuant to Executive Order 13400, Executive Order 14098, and any further Executive orders relating to the national emergency declared in Executive Order 13067, may be taken by the Director of OFAC or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

**§§ 546.503, 546.704. [Amended]**

■ 39. In addition to the amendments set forth above, in 31 CFR part 546, remove the words “the Director of the Office of Foreign Assets Control” and add, in their place, the words “OFAC” in the following places:

- a. Section 546.503; and
- b. Section 546.704.

**§§ 546.203, 546.204, 546.408, 546.703. [Amended]**

■ 40. In addition to the amendments set forth above, in 31 CFR part 546, remove the words “the Office of Foreign Assets Control” and add, in their place, the words “OFAC” in the following places:

- a. Section 546.203(a) and (c);

- b. Section 546.204(b);
- c. Section 546.408; and
- d. Section 546.703.

**§§ 546.203, 546.204, 546.406, 546.408, 546.409, 546.504, and 546.506. [Amended]**

■ 41. In addition to the amendments set forth above, in 31 CFR part 546, remove the words “546.201(a)” and add, in their place, the words “546.201” in the following places:

- a. Section 546.203(a), (c), (d), and (f);
- b. Section 546.204(a) and (b);
- c. Section 546.406;
- d. Section 546.408;
- e. Section 546.409;
- f. Section 546.504; and
- g. Section 546.506.

**Bradley T. Smith,**

*Director, Office of Foreign Assets Control.*

[FR Doc. 2024-04500 Filed 3-1-24; 8:45 am]

BILLING CODE 4810-AL-P

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 3

#### **Processing Applications for Health Care, Sergeant First Class Heath Robinson Honoring Our Promise To Address Comprehensive Toxics Act of 2022, or the Honoring Our PACT Act of 2022**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Notification of sub-regulatory guidance.

**SUMMARY:** This notice informs the public of the Department of Veterans Affairs (VA) implementation of the Honoring our PACT Act of 2022, which expands health care to three new cohorts of toxic-exposed veterans.

**DATES:** The guidance is effective upon publication. VA invites comments on this notice and its plan for implementation. To ensure VA considers your comment, comments are to be submitted on or before April 4, 2024.

**ADDRESSES:** Comments must be submitted through [www.regulations.gov](http://www.regulations.gov). Except as provided below, comments received before the close of the comment period will be available at [www.regulations.gov](http://www.regulations.gov) for public viewing, inspection, or copying, including any personally identifiable or confidential business information that is included in a comment. We post the comments received before the close of the comment period on [www.regulations.gov](http://www.regulations.gov) as soon as possible after they have been received. VA will not post on [www.regulations.gov](http://www.regulations.gov) public

comments that make threats to individuals or institutions or suggest that the commenter will take actions to harm an individual. VA encourages individuals not to submit duplicative comments; however, we will post comments from multiple unique commenters even if the content is identical or nearly identical to other comments. Any public comment received after the comment period's closing date is considered late and will not be considered.

**FOR FURTHER INFORMATION CONTACT:**

Ralph Weishaar, Director, Business Support Office, VHA Member Services (15MEM) Business Policy, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, 202-461-9700 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** On August 10, 2022, the President signed into law the Honoring our PACT Act of 2022 (the PACT Act), Public Law 117-168. Section 103(a)(1) of the PACT Act amended section 1710(e)(1) of title 38, United States Code (U.S.C.) to establish eligibility for hospital care, medical services, and nursing home care for three new cohorts of toxic-exposed veterans. Sections 1710(e)(1)(G) through (I) describe these three new cohorts of toxic-exposed veterans as follows:

- Cohort 1: Veterans who participated in a toxic exposure risk activity while serving on active duty, active duty for training, or inactive duty training. (See 38 U.S.C. 1710(e)(1)(G)).

- Cohort 2: Covered veterans as defined in 38 U.S.C. 1119(c). (See 38 U.S.C. 1710(e)(1)(H)). Covered veterans are those veterans who:

- Performed active military, naval, air, or space service on or after August 2, 1990, while assigned to a duty station in (including airspace above): Bahrain, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, Somalia, or the United Arab Emirates; or

- Performed active military, naval, air, or space service on or after September 11, 2001, while assigned to a duty station in (including airspace above) Afghanistan, Djibouti, Egypt, Jordan, Lebanon, Syria, Yemen, Uzbekistan, or any other country determined relevant by VA (note: VA has not determined any other country relevant at this time).

- Cohort 3: Veterans who deployed in support of Operation Enduring Freedom, Operation Freedom's Sentinel, Operation Iraqi Freedom, Operation New Dawn, Operation Inherent Resolve, and Resolute Support Mission. (See 38 U.S.C. 1710(e)(1)(I)).

Section 1710(e)(6)(A), as added by section 103(a) of the PACT Act, established a specific schedule for eligibility for these veterans depending upon their cohort and their date of discharge or release from the Armed Forces. However, section 1710(e)(6)(B)(i) authorizes VA to modify, to an earlier date, the start dates of VA health care eligibility for the three new cohorts of toxic-exposed veterans. The Secretary has determined modifying these dates is appropriate based on the number of veterans receiving hospital care, medical services, and nursing home care under section 1710(e)(1)(G) through (I) and the resources available to VA.

Consequently, VA is announcing that, effective March 5, 2024, veterans in the three cohorts described above, corresponding to section 1710(e)(1)(G) through (I), are eligible to enroll in VA health care on this basis. Modifying the phased-in schedule to an earlier single eligibility expansion date will provide an all-at-once approach for newly eligible veterans based on the amendments made by section 103(a) of the PACT Act.

To help expedite the VA health care Priority Group upgrade process, VA is developing and will implement system enhancements to VHA's Enrollment System (VES) to assess the enrollment records of veterans who VA enrolled in Priority Group 6 based on their status as a combat veteran (as described in 38 U.S.C. 1710(e)(1)(D)) to determine their eligibility for continued assignment to Priority Group 6 based on their qualification in Cohort 2 or 3. Additionally, VES will assess the enrollment records of veterans enrolled in Priority Groups 7 and 8 to determine their eligibility for assignment to Priority Group 6 under Cohort 2 or 3. By the end of fiscal year 2024, VA will begin conducting targeted outreach to veterans currently enrolled in Priority Groups 7 and 8 whom VA could not determine eligibility for assignment to Priority Group 6 based on being in Cohorts 1, 2, or 3. VA will provide guidance to these veterans on the new authorities, along with instructions on how to submit a VA Form 10-10EZR, Health Benefits Update Form, for consideration of an upgrade to their enrollment Priority Group.

#### **Eligibility Based on Toxic Exposure Risk Activity (TERA)**

**Background:** Cohort 1 veterans are those who participated in a toxic exposure risk activity (TERA) while serving on active duty, active duty for training, or inactive duty training. If the veteran only participated in a TERA

outside of one of these service periods (e.g., as a civilian or private contractor), the veteran is not eligible as a Cohort 1 veteran. 38 U.S.C. 1710(e)(4)(C) defines TERA as any activity that requires a corresponding entry in an exposure tracking record system (as defined in 38 U.S.C. 1119(c)) or that the Secretary determines qualifies for purposes of this subsection when taking into account what is reasonably prudent to protect the health of veterans. 38 U.S.C. 1119(c) defines the term “exposure tracking record system” as any system, program, or pilot program used by VA or the Department of Defense to track how veterans or members of the Armed Forces have been exposed to various occupational or environmental hazards; this includes the Individual Longitudinal Exposure Record (ILER) or successor system.

**Description of TERA:** VA has determined under 38 U.S.C. 1710(e)(4)(C)(ii) that veterans who were exposed to one or more of the following hazards or conditions during active duty, active duty for training, or inactive duty training participated in a TERA: air pollutants (burn pits, sand, dust, particulates, oil well fires, sulfur fires), chemicals (pesticides, herbicides, depleted uranium with embedded shrapnel, contaminated water), occupational hazards (asbestos, industrial solvents, lead, paints including chemical agent resistant coating, firefighting foams), radiation (nuclear weapons handling, maintenance and detonation, radioactive material, calibration and measurement sources, X-rays, radiation from military occupational exposure), and warfare agents (nerve agents, chemical and biological weapons). This list is not comprehensive; if veterans believe they participated in other activities that constitute a TERA, they should identify the TERA in their application so VA can determine whether they qualify. Veterans can locate additional military exposure categories on VA’s Public Health website at <https://www.publichealth.va.gov/exposures/>.

**Process:** Veterans must apply (either as a new enrollee on VA Form 10–10EZ, Application for Health Benefits, or as an existing enrollee on VA Form 10–10EZR, Health Benefits Update Form) for VA to determine whether they participated in a TERA and are eligible for enrollment in Priority Group 6 on that basis. If VA has already determined that a veteran participated in a TERA in the context of a disability claim, that decision will be binding for health care enrollment purposes. If VA has not determined a veteran participated in a

TERA, VA will consider required entries in the veteran’s ILER, the veteran’s Service personnel records, and other sources as necessary, including the veteran’s military service record, which may include the veteran’s Military Occupational Specialty, and any active military, naval, air, or space service or active duty for training or inactive duty for training to determine whether the veteran participated in a TERA, as described above.

#### **Covered Veterans and Veterans Who Deployed in Support of Certain Contingency Operations**

**Background:** As described above, veterans in Cohorts 2 and 3 served in certain locations during certain time periods (generally, during or after the Persian Gulf War) or in support of certain contingency operations (generally after September 11, 2001).

**Process:** For current enrollees, VA will review its existing records to determine if the enrollee is a covered veteran or deployed in support of an identified contingency operation. If the veteran’s service qualifies, VA will place the veteran in Priority Group 6 unless the veteran qualifies for a higher Priority Group. VA will review new applications for enrollment to determine whether the veteran is eligible for enrollment in Priority Group 6 as a Cohort 2 or Cohort 3 veteran based on qualifying service.

#### **Conclusion and Next Steps**

VA is currently drafting a proposed rule to codify in regulation the statutory changes made by section 103(a) of the PACT Act. Due to the time required to promulgate regulations, VA will implement the law and begin processing applications for VA health care pursuant to the amendments made by section 103(a) of the PACT Act on March 5, 2024, based on the sub-regulatory guidance contained in the Under Secretary for Health (USH) Memorandum associated with this Notice. To ensure the enrollment of all veterans eligible under this authority, VA will also begin targeted outreach to current enrollees who may benefit from these changes to provide further information on the amendments made by section 103 of the PACT Act and how to request a Priority Group upgrade. VA will also engage in outreach to unenrolled veterans to encourage them to apply. VA will evaluate the records of veterans applying for VA health care for the first time, if they meet the basic threshold eligibility requirements for VA health care, to determine eligibility under Cohorts 1 through 3 as added by section 103 of the PACT Act (as well as

any other bases for eligibility). Issuing the USH Memorandum will allow VA to implement 38 U.S.C. 1710(e)(1)(G) through (I) and deliver health care to veterans as quickly as possible while simultaneously continuing efforts to promulgate the implementing regulations. VA will provide the USH Memorandum to VHA Enrollment and Eligibility staff and VA medical facility directors. This USH Memorandum is a supporting document and is located at <http://www.regulations.gov>.

**How to Apply:** Any veteran who wants to apply for new VA health care enrollment can do so by submitting a VA Form 10–10EZ: (1) in-person or by mail to a VA medical facility; (2) by mail to the Health Eligibility Center, 2957 Clairmont Rd., Suite 200, Atlanta, GA 30329; (3) online at <https://www.va.gov/health-care/how-to-apply/>; or (4) by calling 1–877–222–VETS (8387). Veterans enrolled in VA health care who want to apply for an upgrade to their current Priority Group can do so by submitting a VA Form 10–10EZR using any of the four methods described above. Should a veteran receive an enrollment decision with which they disagree, they can appeal the decision with VA.

For more information about the PACT Act and your benefits, access <https://www.va.gov/resources/the-pact-act-and-your-va-benefits/> or contact 1–877–222–VETS (8387).

#### **Signing Authority**

Denis McDonough, Secretary of Veterans Affairs, approved and signed this document on February 23, 2024, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

#### **Michael P. Shores,**

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

[FR Doc. 2024–04202 Filed 3–4–24; 8:45 am]

**BILLING CODE 8320–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Medicare & Medicaid Services****42 CFR Part 493****[CMS–3326–CN2]****RIN 0938–AT47****Clinical Laboratory Improvement Amendments of 1988 (CLIA) Fees; Histocompatibility, Personnel, and Alternative Sanctions for Certificate of Waiver Laboratories; Correction**

**AGENCY:** Centers for Medicare & Medicaid Services (CMS) and Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects technical and typographical errors in the final rule that appeared in the December 28, 2023, **Federal Register** entitled, “Clinical Laboratory Improvement Amendments of 1988 (CLIA) Fees; Histocompatibility, Personnel, and Alternative Sanctions for Certificate of Waiver Laboratories” (referred to hereafter as the “December 2023 final rule”).

**DATES:** This correction is effective March 5, 2024, and is applicable beginning January 27, 2024.

**FOR FURTHER INFORMATION CONTACT:** Penny Keller, CMS, (410) 786–2035; or Heather Stang, CDC, (404) 498–2769.

**SUPPLEMENTARY INFORMATION:****I. Background**

In FR Doc. 2023–28170 of December 28, 2023, the December 2023 final rule (88 FR 89976), there were technical and typographical errors that are identified and corrected in this correcting document. These corrections are applicable beginning January 27, 2024, as if they had been included in the December 2023 final rule.

**II. Summary of Errors**

On page 89985, in the first footnote to the table titled, “TABLE 4: Examples, Two-part Increase per Certificate Type”, we inadvertently included incorrect amounts for the current and updated

Certificate of Registration (CoR) fees. As stated in the proposed rule that appeared in the July 26, 2022, **Federal Register** entitled, “Clinical Laboratory Improvement Amendments of 1988 (CLIA) Fees; Histocompatibility, Personnel, and Alternative Sanctions for Certificate of Waiver Laboratories”, the correct current CoR fee was \$100. With application of the one-time across-the-board (ATB) increase of 18 percent along with the biennial two-part fee increase of 4.9598 percent, the correct updated fee amount is \$123.

Similarly on page 90027, in the table titled, “TABLE 17: Two-part Biennial Certificate Fee”, in the Certificate of Registration (CoR) row, we inadvertently included incorrect amounts in the “Current fee” and “New average fee” columns. We are correcting as described previously.

On page 90028, in the table titled, “TABLE 18: CLIA Replacement and Revised Certificates FY 2019”, we made typographical errors in the “Cost of Revised Certificate” entries for the Certificate of Accreditation (CoA) and Certificate for Provider-performed Microscopy (PPM) certificate types. The amounts were reversed in the table. The corrected certificate fees for each of these revised certificate types corresponds to the fees in Table 6, “CMS Proposed Fee for Issuance of Revised Certificate” in the final rule.

**III. Waiver of Proposed Rulemaking and Delay in Effective Date**

Under 5 U.S.C. 553(b) of the Administrative Procedure Act (APA), the agency is required to publish a notice of the proposed rulemaking in the **Federal Register** before the provisions of a rule take effect. Section 553(d) of the APA ordinarily requires a 30-day delay in effective date of final rules after the date of their publication in the **Federal Register**.

Section 553(b)(B) of the APA authorizes an agency to dispense with normal rulemaking requirements for good cause if the agency makes a finding that the notice and comment process is impracticable, unnecessary, or contrary to the public interest. In addition, section 553(d)(3) of the APA allows the agency to avoid the 30-day delay in effective date where such delay

is contrary to the public interest and an agency includes a statement of support.

We believe this correcting document does not constitute a rule that would be subject to the notice and comment or delayed effective date requirements. This document merely corrects technical and typographical errors in the December 2023 final rule but does not make substantive changes to the policies that were adopted in the December 2023 final rule. Instead, this correcting document is intended to ensure that the information in the December 2023 final rule accurately reflects the policies adopted in that document.

In addition, even if this were a rule to which the notice and comment procedures and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the December 2023 final rule or delaying the effective date would be contrary to the public interest because it is in the public’s interest to ensure that the December 2023 final rule accurately reflects the policies finalized in that final rule. Furthermore, such procedures would be unnecessary, as we are not altering our policies, but rather, we are simply correctly implementing the policies we finalized. This final rule correction is intended to ensure that the December 2023 final rule accurately reflects those policies. Therefore, we believe we have good cause to waive the notice and comment and delayed effective date requirements.

**IV. Correction of Errors**

In FR Doc. 2023–28170 of Thursday, December 28, 2023 (88 FR 89976), the following corrections are made:

1. On page 89985, in the first footnote to the table titled, “TABLE 4: Examples, Two-part Increase per Certificate Type”, the language that reads, “Note: The Certificate of Registration (CoR) fee would increase from the \$150 to \$184.” is corrected to read, “Note: The Certificate of Registration (CoR) fee would increase from the \$100 to \$123.”

2. On page 90027, in the table titled, “TABLE 17: Two-part Biennial Certificate Fee”, the last row that reads:

TABLE 17—TWO-PART BIENNIAL CERTIFICATE FEE

Type of CLIA Certificate	Laboratory schedule	Current fee (c)	New average (n) ATB and biennial increase = 18% * 4.96%	Number of laboratories *	Number of laboratories divided by 2 **
Certificate of Registration (CoR) .....	Not applicable .....	\$150	\$184	2891	1,445.5

is corrected to read:

TABLE 17—TWO-PART BIENNIAL CERTIFICATE FEE

Type of CLIA Certificate	Laboratory schedule	Current fee (c)	New average (n) ATB and biennial increase = 18% * 4.96%	Number of laboratories *	Number of laboratories divided by 2 **
Certificate of Registration (CoR) .....	Not applicable .....	\$100	\$123	2891	1,445.5

3. On page 90028, in the table titled, “TABLE 18: CLIA Replacement and Revised Certificates FY 2019”, rows 4 and 5 that read:

TABLE 18—CLIA REPLACEMENT AND REVISED CERTIFICATES FY2019 \*

Certificate type	Number of replacement certificates issued in FY2019	Cost of replacement certificate	Number of revised certificates issued in FY2019	Cost of revised certificate
CoA .....	496	\$75	505	\$150
PPM .....	525	75	984	95

are corrected to read:

TABLE 18—CLIA REPLACEMENT AND REVISED CERTIFICATES FY2019 \*

Certificate type	Number of replacement certificates issued in FY2019	Cost of replacement certificate	Number of revised certificates issued in FY2019	Cost of revised certificate
CoA .....	496	\$75	505	\$95
PPM .....	525	75	984	150

Elizabeth J. Gramling,  
Executive Secretary to the Department,  
Department of Health and Human Services.  
[FR Doc. 2024-04590 Filed 3-4-24; 8:45 am]  
BILLING CODE 4120-01-P

**FEDERAL COMMUNICATIONS COMMISSION**  
**47 CFR Part 64**  
**[CG Docket No. 02-278; FCC 24-24; FR ID 205127]**  
**Strengthening the Ability of Consumers To Stop Robocalls**  
**AGENCY:** Federal Communications Commission.  
**ACTION:** Final rule.  
**SUMMARY:** In this document, the Federal Communications Commission (Commission) adopts new rules and codifies previously adopted protections

that make it simpler for consumers to revoke consent to unwanted robocalls and robotexts while requiring that callers and texters honor these requests in a timely manner. Specifically, the Commission adopts rules to make clear that revocation of consent can be made in any reasonable manner, require that callers honor do-not-call and consent revocation requests within a reasonable time not to exceed ten business days of receipt, and limit text senders to a one-time text message confirming a consumer’s request that no further text messages be sent under the Telephone Consumer Protection Act (TCPA).

**DATES:** Amending instruction 2 (adding 47 CFR 64.1200(a)(12)) is effective April 4, 2024, and amending instruction 3 (revising 47 CFR 64.1200(a)(9)(i)(F) and (d)(3) and adding 47 CFR 64.1200(a)(10) and (11)) is delayed indefinitely. The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date.

**FOR FURTHER INFORMATION CONTACT:** Richard D. Smith of the Consumer and Governmental Affairs Bureau at (717) 338-2797 or [Richard.Smith@fcc.gov](mailto:Richard.Smith@fcc.gov). For information regarding the Paperwork Reduction Act (PRA) information collection requirements contained in the PRA, contact Cathy Williams, Office of Managing Director, at (202) 418-2918, or [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order in CG Docket No. 02-278, FCC 24-24, adopted on February 15, 2024, and released on February 16, 2024. The full text of this document is available online at <https://docs.fcc.gov/public/attachments/FCC-24-24A1.pdf>. The effective date of amendments to § 64.1200(a)(9)(i)(F) and (d)(3), and the addition of § 64.1200(a)(10) and (11) which may contain new or modified information collection requirements under the PRA, will not be effective until six months following review by the Office of Management and Budget (OMB). The Commission will publish a document in the **Federal Register** announcing the effective date for such rules and issue a Public Notice once that date has been established.

To request this document in accessible formats for people with disabilities (e.g., Braille, large print, electronic files, audio format) or to request reasonable accommodations (e.g., accessible format documents, sign language interpreters, CART), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the FCC's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice).

### Congressional Review Act

The Commission sent a copy of document FCC 24-24 to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A).

### Final Paperwork Reduction Act of 1995

This document may contain new or modified information collection requirements subject to the PRA, Public Law 104-13. This document will be submitted to OMB for review under section 3507(d) of the PRA. OMB, the general public, and other Federal

agencies will be invited to comment on the modified information collection requirements contained in this proceeding.

### Synopsis

1. In this final rule, the Commission clarifies and strengthens consumers' rights to grant and revoke consent to receive robocalls and robotexts. Specifically, we adopt rules to: (1) make clearer that revocation of consent can be made in any reasonable manner; (2) require that callers honor do-not-call and consent revocation requests within a reasonable time not to exceed 10 business days of receipt; (3) limit text senders to a one-time text message confirming a consumer's request that no further text messages be sent, as well as confirming that any revocation of consent applies only to those robocalls and robotexts for which consent is required. The proposed rule was published at 88 FR 42034 on June 29, 2023.

#### *A. Revoking Consent in Any Reasonable Way*

2. The Commission strengthens consumers' right to revoke consent by any reasonable means by codifying the right and ensuring callers and texters do not unduly restrict it. The Commission believes this will make clearer to callers and consumers that a consumer has a right to revoke consent under the Telephone Consumer Protection Act (TCPA). Specifically, the Commission codifies a new rule that will make clear that consumers may revoke prior express consent for autodialed or prerecorded or artificial voice calls and autodialed texts in any reasonable manner that clearly expresses a desire not to receive further calls or text messages, and that callers may not infringe on that right by designating an exclusive means to revoke consent that precludes the use of any other reasonable method.

3. The Commission agrees that further clarification as to the methods that are "reasonable" to revoke consent promotes the interests of both consumers and callers by ensuring that such requests are honored. Specifically, the Commission adopts a new rule that makes clear that any revocation request made using an automated, interactive voice or key press-activated opt-out mechanism on a robocall; via a response of "stop" or a similar, standard response message sent in reply to an incoming text message; or submitted at a website or telephone number provided by the caller to process opt-out requests constitute examples of a reasonable means to revoke consent. If a called

party uses any such method designated by the caller to revoke consent, we consider that consent to be definitively revoked by a reasonable means, and future robocalls and robotexts from that caller must be stopped. When the caller offers such a means to revoke consent, that caller cannot allege that the use of such a mechanism by the called party is unreasonable. Any such request made by these specific means constitutes absolute proof that the called party has used a reasonable means to revoke consent.

4. The Commission adopts a standardized list of the specific words that may be used to revoke consent via a reply text message to ensure that automated systems can process such requests. Specifically, the Commission finds that using the words "stop," "quit," "end," "revoke," "opt out," "cancel," or "unsubscribe" via reply text message constitutes a per se reasonable means to revoke consent. For purposes of revoking consent via a reply text message, the record confirms that both consumers and the industry commonly use these specific words to convey a reasonable and unambiguous intent to revoke consent. In addition, the record suggests that callers can use automated means to process these words in order to honor revocation of consent requests.

5. This does not preclude, however, the use of other words and phrases to revoke consent. If the reply text contains words or phrases other than those listed above, and should any dispute on this point arise, the text sender, who is responsible for processing the revocation request, will have an opportunity to explain why the consumer's use of alternative words or phrases does not constitute a reasonable means to revoke consent. In these situations, the Commission or the court as the finder of fact will conduct a totality-of-circumstances analysis to determine whether the request to revoke consent has been conveyed in a reasonable manner. Consistent with the 2015 TCPA Order, published at 80 FR 61129 on October 9, 2015, when assessing whether any particular means of revocation used by a consumer is reasonable, the finder of fact will look to the totality of the facts and circumstances surrounding the specific situation, including, for example, whether the consumer had a reasonable expectation that they could effectively communicate their request for revocation to the caller in that circumstance, and whether the caller can implement the mechanisms to effectuate a requested revocation without incurring undue burdens. The



Commission believes this approach balances the ability of consumers to easily stop unwanted text messages with the ability of text senders to reasonably process such requests.

6. Although the Commission confirms that there is no mandate that texting parties transmitting an autodialed text message must provide consumers with any specific means to revoke consent, such as through the use of reply text messages, we caution that this is a reasonable and widely recognized means for text recipients to revoke prior consent to text messages. There may be instances, however, where a text initiator chooses to use a texting protocol that does not allow reply texts. The Commission adopts a rule that, in those instances, requires the text initiator to: (1) provide a clear and conspicuous disclosure in each text to the consumer that two-way texting is not available due to technical limitations of the texting protocol; and (2) clearly and conspicuously provide reasonable alternative ways for a consumer to revoke consent, such as a telephone number, website link, or instructions to text a different number to revoke consent from further unwanted text messages. We recognize that character limits on text messages necessitate that such disclosures will need to be succinct to avoid unduly infringing on the sender's ability to communicate using a text message.

7. The Commission disagrees with commenters who argue that callers should be allowed to designate the specific means to permit consumers to revoke consent and that revocation requests must be directed only to those designated methods. The Commission therefore codifies a prohibition to that end. Allowing callers to limit revocation requests only to the specific means that they have designated potentially places a significant obstacle in the way of consumers who no longer wish to receive such calls by limiting the methods available to revoke consent, which is inconsistent with the consumer privacy protections afforded under the TCPA. In addition, the clarifications set forth herein ensure that consumers have the ability to easily exercise their right to revoke consent while providing callers with a reasonable opportunity to process such requests made in any reasonable way. For example, as discussed below, when the consumer chooses to use a method that has not been designated by the caller to process revocation requests, the caller will have an opportunity to prove why the method used is not reasonable.

8. The Commission also codifies that, when a consumer uses a method other

than those discussed above to revoke consent, such as those made by voicemail or email to any telephone number or address at which the consumer can reasonably expect to reach the caller but which has not been designated by the caller as a method to revoke consent, doing so creates a rebuttable presumption that the consumer has revoked consent when the called party satisfies their obligation to produce evidence that such a request has been made, absent evidence to the contrary. We stress that, in the event of a dispute, the consumer must identify to the finder of fact the specific method and/or message used to convey their revocation of consent in order to avail themselves of this rebuttable presumption. As discussed above, in these instances when a consumer has demonstrated that they have made a revocation request, and the caller disputes that the revocation request has been made using a reasonable method, a totality of circumstances analysis will determine whether the caller can demonstrate that a request to revoke consent has not been conveyed in a reasonable manner. The Commission disagrees with commenters who argue this approach is inconsistent with consumers' right to revoke by any reasonable means. The Commission's approach is a means to ascertain whether a consumer has used a reasonable method to revoke consent when the consumer has used a method of their own choosing rather than one established by the calling or texting entity.

9. Lastly, the Commission notes that § 64.1200(c)(2) requires that callers not make "telephone solicitations" to telephone numbers registered on the National Do-Not-Call Registry unless the caller has obtained the "prior express invitation or permission" of the called party, in writing. The Commission takes this opportunity to clarify and amend its rules to make clear that consumers who have given their "prior express invitation or permission" to individual sellers to call their telephone numbers on the National Do-Not-Call Registry have the right to revoke consent by any reasonable means. The Commission's precedent confirming the right of consumers to revoke consent to robocalls applies equally to this situation.

#### *B. Timeframe for Honoring a Do-Not-Call or Revocation Request*

10. The Commission requires that callers honor company-specific do-not-call and revocation-of-consent requests for robocalls and robotexts that are subject to the TCPA within a specific

timeframe. Specifically, the Commission amends its rules to require that callers honor company-specific do-not-call and revocation-of-consent requests within a reasonable time from the date that the request is made, not to exceed 10 business days after receipt of the request.

11. The Commission will monitor compliance with this obligation to ensure that such requests are honored in a timely manner and reserves the right to adjust this timeframe as necessary in the future as technologies continue to advance, and thereby further reduce the time necessary to process such requests after notice and comment.

12. The Commission revises its proposed 24-hour timeframe in response to commenter concerns that the proposed 24-hour timeframe would not be feasible in many instances. The Commission is persuaded by the record, including comments from consumer organizations, that a longer timeframe is justified to ensure that entities, including smaller entities, have a reasonable opportunity to process do-not-call and revocation requests. The Commission believes this outcome adequately balances the burdens on callers with the privacy protections afforded to consumers, with a "no longer than 10 business days" backstop to ensure that consumers have certainty about when they can expect unwanted communications to stop.

13. The Commission also amends its rules for exempted package delivery calls to substantially reduce the 30-day timeframe to process such requests allowed in its current rules. Specifically, the Commission amends the exemption that allows package delivery notification robocalls and robotexts without consent to require that opt-out requests be honored within a reasonable time not to exceed six business days. The record suggests that this timeframe is sufficient to ensure processing of revocation requests in this specific context. No commenter argues for any other timeframe in this context or objects to this timeframe.

#### *C. Revocation Confirmation Text Message*

##### *1. Confirmation of Revocation Request*

14. The Commission codifies the *Soundbite Declaratory Ruling* which clarified that a one-time text message confirming a consumer's request that no further text messages be sent does not violate the TCPA or the Commission's rules as long as the confirmation text merely confirms the called party's opt-out request and does not include any marketing or promotional information,

and the text is the only additional message sent to the called party after receipt of the opt-out request. Consistent with the *Soundbite Declaratory Ruling*, if the confirmation text is sent within five minutes of receipt, it will be presumed to fall within the consumer's prior express consent. If it takes longer, however, the sender will have to make a showing that such delay was reasonable, and the longer this delay, the more difficult it will be to demonstrate that such a message falls within the original prior consent. In the *Soundbite Declaratory Ruling*, the Commission determined that "confirmation messages ultimately benefit and protect consumers by helping to ensure, via such confirmation, that the consumer who ostensibly opted out in fact no longer wishes to receive text messages from entities from whom the consumer previously expressed an affirmative desire to receive such messages." The Commission agrees with numerous commenters that codifying this ruling will better ensure that both text senders and recipients are aware of this ruling, including the limitations on such one-time confirmation text messages.

15. The Commission also adopts its proposal to codify that senders can include a request for clarification in this one-time confirmation text, provided the sender ceases all further robocalls and robotexts absent an affirmative response from the consumer. The Commission limits this opportunity to request clarification to instances where the text recipient has consented to several categories of text messages from the text sender. Thus, this rule will give consumers an opportunity to specify which types of text messages they wish to no longer get, when the texter sends different types of messages. That request for clarification can seek confirmation that the consumer wishes to opt out of all categories of messages from the sender, provided the sender ceases all further robocalls and robotexts absent an affirmative response from the consumer that they do, in fact, wish to receive further communications from the sender. The lack of any response to the confirmation text must be treated by the sender as a revocation of consent for all robocalls and robotexts from the sender.

16. The Commission adopts this proposal in response to Capital One's petition seeking confirmation that the text sender may request clarification in its one-time confirmation message of the scope of the recipient's revocation request when that recipient has consented to receiving multiple categories of informational messages

from the sender. Banks and financial institutions support this request, indicating that consumers often consent to receive multiple categories of informational messages, such as fraud alerts, payment notices, and declined card transactions. In these situations, opt-out requests can be ambiguous as to whether the request applies to all or just certain types of those messages. Consumer groups have also expressed support for Capital One's request, provided that a lack of any response to the confirmation text message must be interpreted by the sender to mean that the consumer's revocation request was intended to encompass all categories of robocalls and robotexts and the sender must therefore cease all further robocalls and robotexts to that consumer absent further clarification from the consumer.

17. Consistent with the *Soundbite Declaratory Ruling* and Capital One's request, the Commission codifies that any such clarification message must not contain any marketing or advertising content or seek to persuade the recipient to reconsider their opt-out decision. Rather, this clarification is strictly limited to informing the recipient of the broad scope of the opt-out request absent some further confirmation from the consumer that they wish to continue receiving certain categories of text messages from the sender.

18. The Commission emphasizes that this confirmation text message is limited to a final one-time text message. In the absence of an affirmative response from the consumer that they wish to continue to receive certain categories of informational calls or text messages from the sender, no further robocalls or robotexts for which consent is required can be made to this consumer. In addition, a "stop" or similar text sent in response to the one-time request for confirmation does not then allow the text sender to another request for further clarification. As noted above, both industry and consumer groups support this proposal.

## 2. Scope of Consent Revocation

19. The Commission clarifies that any revocation of consent request applies only to those robocalls and robotexts for which consent is required under the TCPA. Once that consent is revoked, the caller may no longer make robocalls or send robotexts to a called party absent an exemption to the consent obligation. However, the Commission has granted exemptions from the consent requirement for certain categories of robocalls and robotexts. In these situations, consent is not required for the caller to make or send certain

exempted informational robocalls or robotexts. Instead, the caller is required to comply with specific conditions including number and frequency limits of such communications; the caller must also stop such communications only if the consumer makes a request to opt out of the exempted communications.

20. As a result, the rule that the Commission codifies here that requires callers to honor a revocation of consent request made by any reasonable means applies only to robocalls and robotexts that the called party has consented to receive and is separate from the ability of callers to make such informational communications pursuant to an exemption, which do not require consent. Therefore, in effect, when a consumer revokes consent with regard to telemarketing robocalls or robotexts, the caller can continue to reach the consumer pursuant to an exempted informational call, which does not require consent, unless and until the consumer separately expresses an intent to opt out of these exempted calls. Where the consumer has revoked consent in response to a telemarketing call or message, it remains unclear whether the consumer has expressed an intent to opt out of otherwise exempted informational calls absent some indication to the contrary. The Commission agrees with financial institutions' concerns that consumers may inadvertently opt out of exempted informational calls or messages such as fraud alerts when attempting to stop unwanted telemarketing calls from their bank. If the revocation request is made directly in response to an exempted informational call or text, however, this constitutes an opt-out request from the consumer and all further non-emergency robocalls and robotexts must stop. In these circumstances, there is no ambiguity that the consumer's intent is to no longer receive such exempted informational calls from the caller: the opt-out request is a communication from the consumer regarding the exempted informational calls and acts as a revocation of consent for all calls from the caller.

21. The Commission disagrees with commenters that argue the Commission should carve out specific subcategories of informational messages such as fraud alerts, identity theft, and breach notifications and force consumers to revoke consent to these specific categories of informational messages even when the caller chooses not to comply with the conditions of an underlying exemption for such informational messages. The Commission believes this would be burdensome to consumers and

unnecessary given the ability of caller to comply with the conditions of an exemption to make such communications in the absence of having consent and the ability to send a confirmation text informing consumers of the scope of their revocation request affording them an opportunity to provide consent for any type of calls or messages that they wish to continue receiving from the caller.

22. Lastly, the Commission takes this opportunity to confirm that, when consent is revoked in any reasonable manner, that revocation extends to both robocalls and robotexts regardless of the medium used to communicate the revocation of consent. For example, if the consumer revokes consent using a reply text message, then consent is deemed revoked not only to further robotexts but also robocalls from that caller. The TCPA requires that the caller obtain the prior express consent of the “called party.” The Commission has long held that the restriction encompasses both voice calls and texts. Consent is granted from a consumer to a calling party to be contacted at a particular wireless phone number or residential line. Revocation of consent, therefore, is an instruction that the caller no longer contact the consumer at that number. As a result, consent is specific to the called party and not the method of communication used to revoke consent. Thus, if a called party has revoked consent via any reasonable means, the caller no longer has consent to make further robocalls or robotexts to that called party absent instructions to the contrary from the consumer.

#### *D. Legal Authority*

23. The Commission’s legal authority for the rules adopted herein derives from section 227 of the Communications Act of 1934, as amended (the Act). As discussed above, as the expert agency on the TCPA, the Commission has addressed issues relating to prior express consent by robocall consumers on numerous occasions.

#### **Final Regulatory Flexibility Analysis**

24. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated into the *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, notice of proposed rulemaking, published at 88 FR 42034 on June 29, 2023, released in June 2023 (*TCPA Consent NPRM*). The Commission sought written public comment on the proposals in the *TCPA Consent NPRM*, including comment on the IRFA. This

Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

#### *A. Need for, and Objectives of, the Report and Order*

25. The Report and Order clarifies and strengthens the right of consumers to grant or revoke consent to receive robocalls and robotexts under TCPA. Under the TCPA, certain types of calls and texts may only be sent with the prior express consent of the called party. The ability of consumers to exercise this right to provide or revoke consent is essential to protecting the privacy rights of consumers by allowing them to decide which callers may communicate with them via robocalls and robotexts.

26. In addition, the Report and Order codifies prior Commission rulings and adopts new requirements to ensure that the requirements relating to providing or revoking consent under the TCPA are clear to both callers and consumers. Specifically, the Report and Order makes clear that consumers may revoke prior express consent in any reasonable manner that clearly expresses a desire not to receive further calls or text messages, including using an automated, interactive voice or key press-activated opt-out mechanism on a call, using the words “stop,” “quit,” “end,” “revoke,” “opt out,” “cancel,” or “unsubscribe” sent in reply to an incoming text message, or pursuant to a website designated by the caller to process opt-out requests. These approaches constitute a reasonable means to revoke consent and that callers may not infringe on that right by designating an exclusive means to revoke consent that precludes the use of any other reasonable method.

27. The Report and Order also requires that callers honor do-not-call and revocation requests within a reasonable time not to exceed ten business days of receipt. Further, the Report and Order reiterates that consumers only need to revoke consent once to stop getting all calls and texts from a specific entity. It also codifies that a one-time text message confirming a consumer’s request that no further text messages be sent does not violate the TCPA or the Commission’s rules as long as the confirmation text merely confirms the called party’s opt-out request, does not include any marketing or promotional information, and the text is the only additional message sent to the called party after receipt of the opt-out request.

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

28. There were no comments filed that specifically addressed the rules and policies proposed in the IRFA. Several commenter did, however, make reference to the potential compliance burdens including the impact on small businesses. Commenters contend that compliance with an obligation to honor revocation of consent requests within 24-hours would be burdensome for small entities.

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

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

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

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

31. Small Businesses, Small Organizations, Small Governmental Jurisdictions. The Commission’s actions, over time, may affect small entities that are not easily categorized at present. The Commission, therefore describe at the outset, three broad groups of small entities that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the SBA’s Office of Advocacy, in general a small business is an independent business having fewer than 500

employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 33.2 million businesses.

32. Next, the type of small entity described as a “small organization” is generally “any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.” The Internal Revenue Service (IRS) uses a revenue benchmark of \$50,000 or less to delineate its annual electronic filing requirements for small exempt organizations. Nationwide, for tax year 2020, there were approximately 447,689 small exempt organizations in the U.S. reporting revenues of \$50,000 or less according to the registration and tax data for exempt organizations available from the IRS.

33. Finally, the small entity described as a “small governmental jurisdiction” is defined generally as “governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.” U.S. Census Bureau data from the 2017 Census of Governments indicate there were 90,075 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States. Of this number, there were 36,931 general purpose governments (county, municipal, and town or township) with populations of less than 50,000 and 12,040 special purpose governments— independent school districts with enrollment populations of less than 50,000. Accordingly, based on the 2017 U.S. Census of Governments data, we estimate that at least 48,971 entities fall into the category of “small governmental jurisdictions.”

34. Telemarketing Bureaus and Other Contact Centers. This industry comprises establishments primarily engaged in operating call centers that initiate or receive communications for others-via telephone, facsimile, email, or other communication modes-for purposes such as (1) promoting clients, products, or services, (2) taking orders for clients, (3) soliciting contributions for a client, and (4) providing information or assistance regarding a client’s products or services. These establishments do not own the product or provide the services they are representing on behalf of clients. The SBA small business size standard for this industry classifies firms having \$16.5 million or less in annual receipts as small. According to U.S. Census Bureau data for 2017, there were 2,250 firms in this industry that operated for the entire year. Of this number 1,435 firms had revenue of less than \$10

million. Based on this information, the majority of firms in this industry can be considered small under the SBA small business size standard.

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

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

36. The rules adopted in the Report and Order may result in modified reporting, recordkeeping, or other compliance requirements for small entities. In cases where consumers invoke their right to grant or revoke consent to small entity callers to receive robocalls and robotexts under the TCPA, these callers may need to implement new methods to record and track such revocation requests to honor them within the specified timeframes. This includes honoring any revocation or do-not-call requests made by any reasonable means including by using an automated, interactive voice or key press-activated opt-out mechanism on a call, using the words “stop,” “quit,” “end,” “revoke,” “opt out,” “cancel,” or “unsubscribe” sent in reply to an incoming text message, or pursuant to a website designated by the caller when those options are provided by the calling party. In situations where a text initiator chooses to use a texting protocol that does not allow reply texts, the text initiator must: (1) provide a clear and conspicuous disclosure in each text to the consumer that two-way texting is not available due to technical

limitations of the texting protocol; and (2) clearly and conspicuously provide reasonable alternative ways for a consumer to revoke consent, such as a telephone number, website link, or instructions to text a different number to revoke consent from further unwanted text messages.

37. In addition, callers must process such requests within a reasonable time not to exceed ten business days of receipt, and within six business days for package delivery services. This may necessitate small and other entities to update their current systems and processes for handling such requests.

38. There is not sufficient information on the record to quantify the costs of compliance for small entities, or to determine whether it will be necessary for small entities to hire professionals to comply with the adopted rules. The Commission notes that many of the requirements contained in the Report and Order have been adopted in rulings dating back many years or even decades. As a result, the Commission anticipates that many callers, including smaller entities, have already made efforts to comply with these obligations and may have limited new burdens.

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

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

40. In the Report and Order, the Commission took steps to minimize significant economic impact on small entities and considered alternatives to the adoption of new rules and processes that may impact small entities. In response to commenter requests, the Commission provided greater specificity as to the methods that are deemed reasonable to revoke consent. Taking this step provides callers, including many small entities, with additional guidance regarding the means to comply with our rules. Alternatively, the Commission declined to allow callers to designate the use of specific technologies to permit consumers to revoke consent, such as the use of reply text messages, and grant callers with the flexibility to process revocation requests by any reasonable means. The Commission also modified our proposal

requiring that the revocation of consent requests and do-not-call requests must be processed within 24-hours. Rather, in response to concerns from numerous commenters that the 24-hour limitation is not feasible, our amended rules require such requests be honored within a reasonable time not to exceed ten business days. This provides callers, including many smaller entities, greater flexibility to process revocation requests that are made via any reasonable means. Without objection, the Commission also amends the exemption that allows package delivery notification robocalls and robotexts, with revocation requests now reduced from 30 business days to requests being honored within a reasonable time not to exceed six business days. In addition to providing certainty to consumers that their requests are being addressed, there were no objections to this timeframe and the record reflects that this provides package delivery companies, some of which are small entities, a reasonable opportunity to process such requests. Finally, the Commission codifies into its rules the ability of callers to send a final, one-time confirmation text in response to a request to opt-out of further messages. This will benefit both callers and consumers by allowing confirmation of the consumer's intent to no longer receive calls or text messages from the caller.

#### List of Subjects in 47 CFR Part 64

Communications common carriers, Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

#### Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 64 as follows:

#### PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. The authority citation for part 64 continues to read as follows:

**Authority:** 47 U.S.C. 151, 152, 154, 201, 202, 217, 218, 220, 222, 225, 226, 227, 227b, 228, 251(a), 251(e), 254(k), 255, 262, 276, 301, 303, 316, 345, 403(b)(2)(B), (c), 616, 620, 716, 1401–1473, unless otherwise noted; Div. P, sec. 503, Pub. L. 115–141, 132 Stat. 348, 1091; sec. 5, Pub. L. 117–223, 136 Stat. 2280, 2285–88 (47 U.S.C. 345 note).

#### Subpart L—Restrictions on Telemarketing, Telephone Solicitation, and Facsimile Advertising

■ 2. Effective April 4, 2024, § 64.1200 is amended by adding reserved paragraphs (a)(10) and (11) and paragraph (a)(12) to read as follows:

##### § 64.1200 Delivery restrictions.

(a) \* \* \*  
(10) through (11) [Reserved]  
(12) A one-time text message confirming a request to revoke consent from receiving any further calls or text messages does not violate paragraphs (a)(1) and (2) of this section as long as the confirmation text merely confirms the text recipient's revocation request and does not include any marketing or promotional information, and is the only additional message sent to the called party after receipt of the revocation request. If the confirmation text is sent within five minutes of receipt, it will be presumed to fall within the consumer's prior express consent. If it takes longer, however, the sender will have to make a showing that such delay was reasonable. To the extent that the text recipient has consented to several categories of text messages from the text sender, the confirmation message may request clarification as to whether the revocation request was meant to encompass all such messages; the sender must cease all further texts for which consent is required absent further clarification that the recipient wishes to continue to receive certain text messages.

\* \* \* \* \*

■ 3. Delayed indefinitely, § 64.1200 is amended by revising paragraph (a)(9)(i)(F), adding paragraphs (a)(10) and (11), and revising paragraph (d)(3) to read as follows:

##### § 64.1200 Delivery restrictions.

(a) \* \* \*  
(9) \* \* \*  
(i) \* \* \*  
(F) The package delivery company must offer package recipients the ability to opt out of receiving future delivery notification calls and messages and must honor an opt-out request within a reasonable time from the date such request is made, not to exceed six business days; and,

\* \* \* \* \*

(10) A called party may revoke prior express consent, including prior express written consent, to receive calls or text messages made pursuant to paragraphs (a)(1) through (3) and (c)(2) of this section by using any reasonable method to clearly express a desire not to receive

further calls or text messages from the caller or sender. Any revocation request made using an automated, interactive voice or key press-activated opt-out mechanism on a call; using the words “stop,” “quit,” “end,” “revoke,” “opt out,” “cancel,” or “unsubscribe” sent in reply to an incoming text message; or pursuant to a website or telephone number designated by the caller to process opt-out requests constitutes a reasonable means per se to revoke consent. If a called party uses any such method to revoke consent, that consent is considered definitively revoked and the caller may not send additional robocalls and robotexts. If a reply to an incoming text message uses words other than “stop,” “quit,” “end,” “revoke,” “opt out,” “cancel,” or “unsubscribe,” the caller must treat that reply text as a valid revocation request if a reasonable person would understand those words to have conveyed a request to revoke consent. Should the text initiator choose to use a texting protocol that does not allow reply texts, it must provide a clear and conspicuous disclosure on each text to the consumer that two-way texting is not available due to technical limitations of the texting protocol, and clearly and conspicuously provide on each text reasonable alternative ways to revoke consent. All requests to revoke prior express consent or prior express written consent made in any reasonable manner must be honored within a reasonable time not to exceed ten business days from receipt of such request. Callers or senders of text messages covered by paragraphs (a)(1) through (3) and (c)(2) of this section may not designate an exclusive means to request revocation of consent.

(11) The use of any other means to revoke consent not listed in paragraph (a)(10) of this section, such as a voicemail or email to any telephone number or email address intended to reach the caller, creates a rebuttable presumption that the consumer has revoked consent when the called party satisfies their obligation to produce evidence that such a request has been made, absent evidence to the contrary. In those circumstances, a totality of circumstances analysis will determine whether the caller can demonstrate that a request to revoke consent has not been conveyed in a reasonable manner.

\* \* \* \* \*

(d) \* \* \*

(3) *Recording, disclosure of do-not-call requests.* If a person or entity making an artificial or prerecorded-voice telephone call pursuant to an exemption under paragraphs (a)(3)(ii) through (v) of this section or any call for

telemarketing purposes (or on whose behalf such a call is made) receives a request from a residential telephone subscriber not to receive calls from that person or entity, the person or entity must record the request and place the subscriber's name, if provided, and telephone number on the do-not-call list at the time the request is made. Persons or entities making such calls (or on whose behalf such calls are made) must honor a residential subscriber's do-not-call request within a reasonable time from the date such request is made. This period may not exceed ten (10) business days from the receipt of such request. If such requests are recorded or maintained by a party other than the person or entity on whose behalf the call is made, the person or entity on whose behalf the call is made will be liable for any failures to honor the do-not-call request. A person or entity making an artificial or prerecorded-voice telephone call pursuant to an exemption under paragraphs (a)(3)(ii) through (v) or any call for telemarketing purposes must obtain a consumer's prior express permission to share or forward the consumer's request not to be called to a party other than the person or entity on whose behalf a call is made or an affiliated entity.

\* \* \* \* \*

[FR Doc. 2024-04587 Filed 3-4-24; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Parts 22, 25, and 52

[FAC 2024-03; FAR Case 2023-012; Item II; Docket No. FAR-2023-0012; Sequence No. 1]

RIN 9000-AO62

#### Federal Acquisition Regulation: Trade Agreements Thresholds

In rule document 2024-2798 beginning on page 13961 in the issue of Friday, February 23, 2024, make the following correction:  
52.212-5 [Corrected]

On page 13964, in the first column, in the amendatory instruction 10.c., in the third line "(FEB 2025)" should read "(FEB 2024)".

[FR Doc. C1-2024-02798 Filed 3-4-24; 8:45 am]

BILLING CODE 1505-01-D

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS-R4-ES-2019-0071;  
FF09E22000 FXES1113090FEDR 2223]

RIN 1018-BE00

#### Endangered and Threatened Wildlife and Plants; Removal of *Chrysopsis floridana* (Florida Golden Aster) From the Federal List of Endangered and Threatened Plants

**AGENCY:** Fish and Wildlife Service,  
Interior.

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), are removing the Florida golden aster (*Chrysopsis floridana*), a short-lived perennial, from the Federal List of Endangered and Threatened Plants (List) due to recovery. Our review indicates that the threats to the species have been eliminated or reduced to the point that the species has recovered and no longer meets the definition of an endangered or threatened species under the Endangered Species Act of 1973, as amended (Act). Accordingly, the prohibitions and conservation measures provided by the Act will no longer apply to this species.

**DATES:** This rule is effective April 4, 2024.

**ADDRESSES:** This final rule, supporting documents used in preparing this rule, the post-delisting monitoring plan, and the comments we received on the June 24, 2021, proposed rule are available at <https://www.regulations.gov> under Docket No. FWS-R4-ES-2019-0071.

#### FOR FURTHER INFORMATION CONTACT:

Lourdes Mena, Division Manager, Florida Classification and Recovery, U.S. Fish and Wildlife Service, Florida Ecological Services Field Office, 7915 Baymeadows Way, Jacksonville, FL 32256; telephone 904-731-3336. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of contact in the United States.

#### SUPPLEMENTARY INFORMATION:

##### Executive Summary

*Why we need to publish a rule.* Under the Act, a species warrants delisting if

it no longer meets the definition of an endangered species (in danger of extinction throughout all or a significant portion of its range) or threatened species (likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range). The Florida golden aster is listed as an endangered species, and we are delisting it. Delisting a species can only be completed by issuing a rule through the Administrative Procedure Act rulemaking process (5 U.S.C. 551 *et seq.*).

*What this document does.* This rule removes the Florida golden aster from the Federal List of Endangered and Threatened Plants based on the species' recovery.

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

Under the Act, we must review the status of all listed species at least once every 5 years. We must delist a species if we determine, based on the best available scientific and commercial data, that the species is neither an endangered species nor a threatened species. Our regulations at 50 CFR 424.11(e) identify three reasons why we might determine a species should be delisted: (1) The species is extinct, (2) the species does not meet the Act's definition of an endangered species or a threatened species, or (3) the listed entity does not meet the Act's definition of a species. Here, we have determined that the Florida golden aster does not meet the definition of an endangered species or a threatened species; therefore, we are delisting it.

#### Previous Federal Actions

Please refer to the proposed delisting rule (86 FR 33177) for the Florida golden aster published on June 24, 2021, for a detailed description of previous Federal actions concerning this species.

#### Peer Review

A species status assessment (SSA) team prepared an SSA report for the Florida golden aster. The SSA team was composed of Service biologists, in consultation with other species experts.

The SSA report represents a compilation of the best scientific and commercial data available concerning the status of the species, including the impact of past, present, and future factors (both negative and beneficial) affecting the species.

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

#### Summary of Changes From the Proposed Rule

In this final rule, we make no substantive changes to our June 24, 2021, proposed rule. Minor, nonsubstantive changes have been made throughout this final rule.

#### Summary of Comments and Recommendations

In the proposed rule published on June 24, 2021 (86 FR 33177), we requested that all interested parties submit written comments on our proposal to delist the Florida golden aster and the draft post-delisting monitoring (PDM) plan by August 23, 2021. We also contacted appropriate Federal and State agencies, scientific experts and organizations, and other interested parties and invited them to comment on the proposal. A newspaper notice inviting public comments was published on June 30, 2021, in the Tampa Bay Times. We did not receive any requests for a public hearing. All substantive information provided during the comment period is addressed below.

#### Peer Reviewer Comments

As discussed in Peer Review above, we received comments from two peer reviewers on the draft SSA report. The SSA report was also submitted to our Federal, State, and Tribal partners for scientific review. We received review from two partners. We reviewed all

comments we received from the peer and partner reviewers for substantive issues and new information regarding the contents of the SSA report. The reviewers did not raise any substantive issues and provided only editorial comments that we incorporated into the final SSA report, which was the foundation for the proposed rule and this final rule.

#### Public Comments

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

(1) *Comment:* Several commenters stated the species should not be delisted because populations are performing poorly. Multiple commenters pointed to the report titled, “Demographic Data Collection to Assess the Endangerment of *Chrysopsis floridana* 2020” (Peterson et al. 2020, entire) as supporting their position that the species should not be delisted.

*Our response:* The report titled, “Demographic Data Collection to Assess the Endangerment of *Chrysopsis floridana* 2020” (Peterson et al. 2020, entire) was funded by the Service to analyze a subset of known populations and did not look at all known populations. The intent of the effort was to collect data to provide additional information to supplement the 2018 Florida golden aster SSA report. The results of Peterson et al. (2020, entire) reinforce our determination that the Florida golden aster no longer meets the Act’s definition of an endangered species or a threatened species.

The 18 sites for the report were chosen specifically based on aster population size and habitat development risk, which results in increased future management constraints. Eleven of the selected populations were classified as low risk, and the remaining seven were classified as high risk, based on modeling projections in the SSA report (Service 2018, p. 35). Of the 18 populations analyzed for the report, all populations were analyzed for demographic data, and 8 of those also had stage class (*i.e.*, seedlings, vegetative plants, reproductive plants) data collected. Data were collected over a 3-year period, and annual survival and annual seedling survival were calculated each year. This approach was intended to provide an analysis of the variation in populations across the species’ range, looking at population resiliency and habitat management effectiveness. The analysis was a comparison of the populations’ metrics between the populations

studied but is not comparable to the overall current condition of the species. Stage structure was used as an indirect measure of population health because fecundity data (seed production) were not collected, and full demographic models could not be assembled for the species.

Annual survival was variable among populations and across years. Stage structure (“small vegetative” plants, “large vegetative” plants, and “reproductive” plants) also varied over the 3-year period, with demographically healthy populations having more seedlings and the least healthy populations having more flowering plants. This variation would be expected based on the annual variations in climate conditions over time as well as the phenology of the species. Demographic results indicated moderate annual survival rates for 2017–2018 (75.6 percent) and 2018–2019 (71.8 percent). The annual survival rate for the 2017–2018 populations ranged from 55–91 percent with similar rates of 42–89 percent in 2018–2019. The annual seedling survival (62.0 percent and 64.6 percent, respectively) was slightly lower. The report concluded that at least 6 populations might be considered healthy and self-sustaining, and it may be determined that the other 12 populations (all on protected lands) will fare better in future years given increased management efforts (ideally fire), especially within wild populations.

Variation in survival rates could be attributed to the time since the last fire, habitat management application, and/or age of the mature plant during the study period. Florida golden aster is a short-lived perennial (3–5 years) that flowers multiple years once reproductive. Not knowing the age of the plants being analyzed over the short timeframe in the randomly selected plots could have biased the results, as some of the plants may have been already at the end of their lifespan or not reproductive yet. In addition, consideration of early versus late lifespan productivity or species cycles (phenology), which are currently unknown, may be important factors influencing the analyzed data. The survival rate for this species is described as moderate; the annual survival rates for this aster are adequate for the species and the habitat it occupies (Peterson et al. 2020, entire). Although survival rates varied among introduced and wild populations and varied based on the habitat management status of the population, populations consistently showed seedling recruitment, which is an indication of recruitment in all



populations regardless of health conditions.

Based on the most current survey across the species' range (2006–2018), 30 known extant populations, natural and introduced, occur in five counties. Of these, 25 populations occur on 22 protected and managed conservation lands. The post-delisting monitoring plan will utilize baseline data for the populations studied in the report to further assess long-term trends.

(2) *Comment:* Some commenters stated the species should not be delisted because recovery criteria for delisting have not been achieved.

*Our response:* Recovery plans provide a roadmap for us and our partners on methods of enhancing conservation and minimizing threats to listed species, as well as measureable criteria against which to evaluate progress towards recovery and assess the species' likely future condition. However, they are not regulatory documents and do not substitute for the determinations and promulgation of regulations under section 4(a)(1) of the Act. A decision to delist a species is ultimately based on an analysis of the best scientific and commercial data available and consideration of the standards listed in 50 CFR 424.11(e) to determine whether a species is no longer an endangered species or a threatened species, regardless of whether that information differs from the recovery plan. According to the recovery plan there are many paths for this species to be recovered without all the criteria being fully met. The recovery plan states that one or more criteria may be exceeded while other criteria may not yet be accomplished. In this instance, we have determined that the threats to Florida golden aster are minimized sufficiently and that the species no longer meets the Act's definition of an endangered species or a threatened species.

(3) *Comment:* One commenter indicated delisting was premature because there was no data-driven management plan for the species. The commenter further stated that while short-term monitoring has suggested a role for fire in maintaining populations, critical data are lacking pertaining to the best management practices to maintain Florida golden aster habitat, specifically disturbance dynamics and the optimal fire frequency for managing populations.

*Our response:* In our June 24, 2021, proposed rule (86 FR 33177), we announced the availability of a draft PDM plan for the Florida golden aster, and we requested comments on the draft PDM plan. We also solicited comments on the draft PDM plan from agencies

that manage Florida golden aster on their conservation lands, as well as State and county partners that have been engaged in the species' conservation. We received comments from both the Florida Forest Service and Hillsborough County's Environmental Lands Acquisition and Protection Program, and their comments were incorporated into the final PDM plan. See Post-delisting Monitoring, below, for more information.

The decision to revise the status of a species, or to delist a species, is ultimately based on an analysis of the best scientific and commercial data available to determine whether a species is no longer an endangered species or a threatened species. Complete understanding of specific data pertaining to best management practices for Florida golden aster such as disturbance dynamics or the fire return intervals for optimal survival and health, is not a requirement of the Act. Nevertheless, the general response of Florida golden aster to disturbance regimes is sufficiently understood to inform management. The delisting of Florida golden aster should not discourage continued research on the species and its habitat needs. Indeed, the PDM plan includes recommendations for this type of research.

(4) *Comment:* One commenter noted that growing development surrounding Florida golden aster populations will further complicate fire management, which is important for maintaining suitable habitat. It will become increasingly difficult for many areas where Florida golden aster is present to be managed with fire, and there is little evidence that mechanical disturbance could serve as an effective surrogate for fire.

*Our response:* The development pressures on native landscapes throughout peninsular Florida are challenging and will continue to persist indefinitely. Habitat management on conservation lands in the wildland-urban interface can experience various constraints. However, not all conservation lands with Florida golden aster populations are subject to these constraints, and development often does not preclude fire management; for example, the national wildlife refuges in Florida frequently conduct prescribed fires despite close proximity to developed areas. Additionally, various treatments and techniques to prepare fuel loads prior to prescribed fire application can also overcome many of these constraints, along with managing the area without the use of fire. New and innovative methods are constantly

being developed and employed to accomplish the desired habitat conditions. Best management practices and sound management planning alleviates many of the obstacles land managers encounter when pursuing optimal conditions in support of the targeted species.

While the commenter stated that mechanical disturbance is not as effective as fire in maintaining habitat for the Florida golden aster, mechanical treatments can be effective, if deployed correctly. We note in the SSA report that in the absence of fire, habitat openness can be maintained with mowing, hand removal of trees and shrubs near plants, or other mechanical treatments. Populations have persisted along periodically mowed rights-of-way (e.g., underneath powerlines, along roads and railroads) for decades without a prescribed burn program (Service 2018, p. 12).

(5) *Comment:* One commenter stated that keeping the species listed will improve the Florida golden aster's chances of recovery, adding that continued listing would provide support necessary to continue research and conservation work for the species.

*Our response:* We agree that the protections of the Act have helped recover the Florida golden aster, such that it no longer meets the Act's definition of an endangered species or a threatened species. Currently, the vast majority of the known populations occur on protected and managed conservation lands and have at least moderate resiliency. Additionally, we expect habitat management for the species to continue, such that these populations will only increase, though this was not relied on for the delisting determination. The Florida golden aster, therefore, is recovered and no longer warrants the protections of the Act, now or in the foreseeable future. Retaining the species on the Federal List of Endangered and Threatened Plants would be contrary to the direction of the Act and would continue to draw resources from other species that still need the protections of the Act.

## Background

A thorough review of the taxonomy, life history, ecology, and overall viability of the Florida golden aster is presented in the SSA report available on <https://www.regulations.gov> under Docket No. FWS-R4-ES-2019-0071. A summary of that information is presented here.

Florida golden aster is endemic to xeric (very dry) uplands east and southeast of the Tampa Bay area of central Florida. The historical range of



the Florida golden aster is thought to span parts of Hillsborough, Manatee, Pinellas, Highlands, and Hardee Counties, but the true extent of the historical range is uncertain because the ecosystems on which it occurs were rapidly converted to residential, commercial, and agricultural uses after European settlement of the region. Agriculture began in 1880, with grazing and production of citrus and row crops. Residential and commercial activity began around 1840, mainly in the Tampa Bay area and beach communities through the 1940s and 1950s, but suburban and rural areas started expanding in the 1960s and 1970s and that expansion has continued at a consistent rate. The species was first collected and described from a specimen in Manatee County in early 1901, with subsequent collections in Pinellas and Hillsborough Counties in the 1920s. The earliest known Manatee County and Pinellas County populations occurred in coastal areas of Bradenton Beach and St. Petersburg Beach. However, these populations have since been extirpated. The last remaining natural population known to occur in Pinellas County was discovered in 1983; however, a housing development eliminated all available habitat by 1985.

When the species was listed as endangered in 1986 (see 51 FR 17974; May 16, 1986), nine known extant populations of the species occurred in five locations, all coastal, in southeastern Hillsborough County (Wunderlin et al. 1981, entire). Since the listing of the species, increased survey efforts have resulted in the discovery of additional populations, including occurrences farther inland. Many of the newly discovered locations have since been acquired as protected sites with active conservation

management activities implemented to improve habitat conditions. As discussed below, introductions have occurred on conservation lands in Hardee, Hillsborough, Manatee, and Pinellas Counties. It is not known whether these introduction sites were historically occupied by the Florida golden aster or, if so, how long ago they supported natural populations.

Based on the most current surveys across the species' range (2006–2018), 30 known extant populations, natural and introduced, occur in 5 counties (Hardee—4 populations, Highlands—1 population, Hillsborough—16 populations, Manatee—5 populations, and Pinellas—4 populations; figure 1). Populations were delineated using a separation distance of 2 kilometers (km) between occurrences (see Current Condition, below, for more information). Of these, 25 populations occur entirely or mostly on 22 protected sites; a protected site is a site that has been acquired in fee simple and placed into long-term conservation, or that has a conservation easement or other binding land agreement by the site owner that shows a commitment to its conservation in perpetuity. In addition, all protected sites have a management agreement or plan both developed and implemented. None of the lands occupied by the Florida golden aster are federally owned or managed but rather they are owned and managed by a State, local, or nongovernmental entity. The remaining five extant populations occur on private lands or along roadways or railroad lines.

The most recent surveys (occurring between 2006 and 2018) show that just over half of the Florida golden aster individuals occur in nine introduced populations at eight sites. The earliest introductions, a total of 10, were undertaken in 1986; three of those

populations remain extant in Hardee and Manatee Counties, while seven other introductions in Pinellas and Hillsborough Counties failed. Introductions were again initiated during 2008–2013, when Bok Tower Gardens introduced six additional populations in Hardee, Manatee, and Pinellas Counties, containing 24,825 plants (as of the most recent censuses, with about 12,000 in one population). Four of the six populations contain more than 1,000 plants; the remaining two populations (North and South Duette Preserve) are the most recently introduced populations (2013), have been growing rapidly, and are surrounded by ample habitat and little to no development, so they will also reach sizes comparable to the other introduced populations.

According to the most recent surveys, approximately 50,000 individuals exist with more than 90 percent occurring in the 25 populations located on protected lands. Although this estimate is the best available information, it gives only an approximation of the true current abundance of the Florida golden aster because surveys are not conducted every year and are conducted for different objectives. Moreover, population sizes fluctuate annually. Twelve of the 30 populations had more than 1,000 individual plants present when last observed. We note that a 56-km gap occurs between the easternmost naturally occurring population in Manatee County and the nearest naturally occurring population in Hardee County, and it is not presently known whether this gap is due to the lack of suitable habitat, lack of observation, a long-distance dispersal event, or fragmentation of a formerly continuous distribution.

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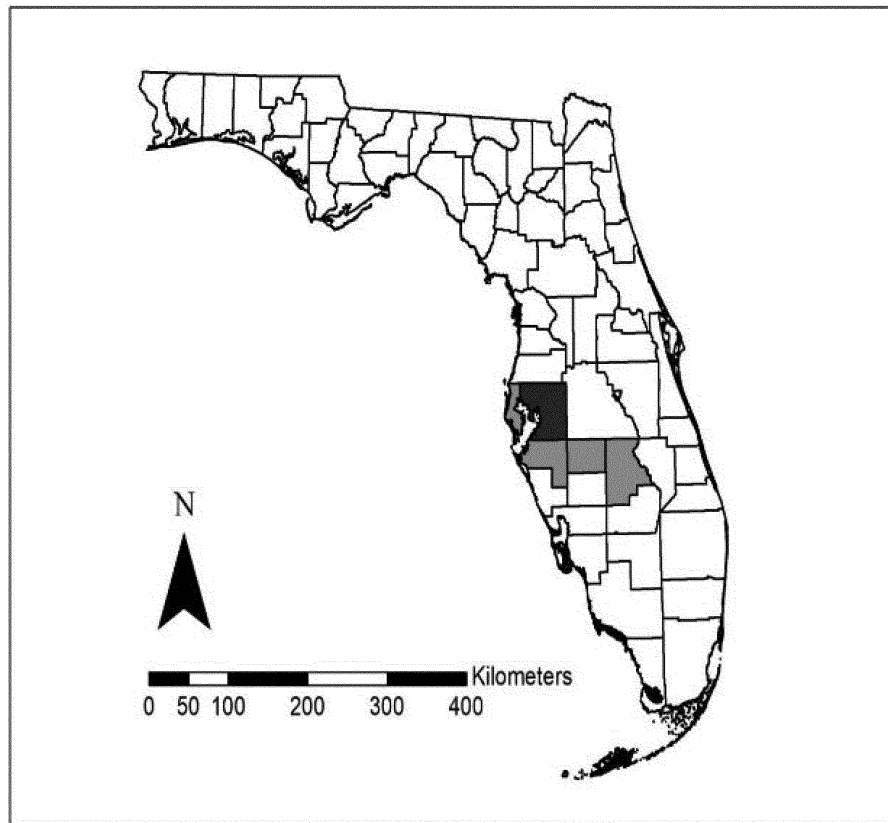


FIGURE 1. The five Florida counties where the Florida golden aster occurs as of 2017 are highlighted in gray, with Hillsborough County shaded darker gray. At the time of listing in 1986, populations of the Florida golden aster were only known to occur in Hillsborough Country.

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#### Recovery Criteria

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

Recovery plans provide a roadmap for us and our partners on methods of enhancing conservation and minimizing threats to listed species, as well as measurable criteria against which to evaluate progress towards recovery and assess the species' likely future condition. However, they are not regulatory documents and do not substitute for the determinations and

promulgation of regulations required under section 4(a)(1) of the Act. A decision to revise the status of a species or to delist a species is ultimately based on an analysis of the best scientific and commercial data available to determine whether a species is no longer an endangered species or a threatened species, regardless of whether that information differs from the recovery plan.

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

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

We issued the recovery plan for the Florida golden aster on August 29, 1988. The primary objective of the recovery plan was to provide sufficient habitat for the Florida golden aster, both through protection of the sites and proper vegetation management. The recovery plan calls for establishment of new populations of the species. The recovery plan states that reclassification of this species to threatened could be considered if 10 geographically distinct populations are established in its three native counties, and delisting could be

considered if 20 such populations are secured (USFWS 1988, p. 3). Currently, Florida golden aster occurs in 30 geographically distinct populations across five counties, 25 are on protected lands, and 18 of these populations have high or very high resiliency (see table 2), which is consistent with the recovery plan's delisting criterion.

## Regulatory and Analytical Framework

### *Regulatory Framework*

Section 4 of the Act (16 U.S.C. 1533) and the implementing regulations in Title 50 of the Code of Federal Regulations set forth the procedures for determining whether a species is an endangered species or a threatened species, issuing protective regulations for threatened species, and designating critical habitat for endangered and threatened species. In 2019, jointly with the National Marine Fisheries Service, the Service issued a final rule that revised the regulations in 50 CFR part 424 regarding how we add, remove, and reclassify endangered and threatened species and the criteria for designating listed species' critical habitat (84 FR 45020; August 27, 2019). On the same day, we issued a final rule that revised 50 CFR 17.31 and 17.71 (84 FR 44753; hereinafter, "the 2019(d) rule") and ended the "blanket rule" option for application of section 9 prohibitions to species newly listed as threatened after the effective date of those regulatory revisions (September 26, 2019). Blanket rules had extended the majority of the protections (all of the prohibitions that apply to endangered species under section 9 and additional exceptions to the prohibitions) to threatened species, unless we issued an alternative rule under section 4(d) of the Act for a particular species (*i.e.*, a species-specific 4(d) rule). The blanket rule protections continued to apply to threatened species that were listed prior to September 26, 2019, without an associated species-specific rule. Under the 2019 4(d) rule, the only way to apply protections to a species newly listed as threatened is for us to issue a species-specific rule setting out the protective regulations that are appropriate for that species. 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 40742; 88 FR 40764), we have also undertaken an analysis of 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 analyses

under both the regulations currently in effect and the regulations after incorporating the June 22, 2023, proposed revisions are included in our decision file.

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

(A) The present or threatened destruction, modification, or curtailment of its habitat or range;

(B) Overutilization for commercial, recreational, scientific, or educational purposes;

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

(E) Other natural or manmade factors affecting its continued existence.

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

We use the term "threat" to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term "threat" includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term "threat" may encompass—either together or separately—the source of the action or condition or the action or condition itself.

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

### *Analytical Framework*

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

To assess Florida golden aster viability, we used the three conservation biology principles of resiliency, redundancy, and representation (Shaffer and Stein 2000, pp. 306–310). Briefly, resiliency is the ability of the species to withstand environmental and demographic stochasticity (for example, wet or dry, warm or cold years); redundancy is the ability of the species to withstand catastrophic events (for example, droughts, large pollution events), and representation is the ability of the species to adapt to both near-term and long-term changes in its physical and biological environment (for example, climate changes, pathogen). In general, species viability will increase with increases in resiliency, redundancy, and representation (Smith et al. 2018, p. 306). Using these principles, we identified the species' ecological requirements for survival and reproduction at the individual, population, and species levels, and described the beneficial and risk factors influencing the species' viability.

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

The following is a summary of the key results and conclusions from the SSA report; the full SSA report can be found at Docket No. FWS-R4-ES-2019-0071 on <https://www.regulations.gov>.

### Summary of Biological Status and Threats

In this discussion, we review the biological condition of the species and its resources, and the threats that influence the species' current and future condition, in order to assess the species' overall viability and the risks to that viability.

#### Summary of SSA Analysis

For a species to be viable there must be adequate redundancy (suitable number, distribution, and connectivity to allow the species to withstand catastrophic events), representation

(genetic and environmental diversity to allow the species to adapt to changing environmental conditions), and resiliency (ability of a species to withstand unpredictable disturbance). Resiliency for Florida golden aster improves with maintained open habitat. Lambert and Menges (1996, pp. 121–137) recommend prescribed burning that mimics the historic burn pattern (frequent low-intensity fires in sandhill, less frequent burns in scrub, with fires primarily in late spring and summer) and periodic mechanical disturbance of the ground cover during late winter or early spring when seeds are dispersed. In the absence of fire, habitat openness can be maintained with mowing, hand removal of trees and shrubs near plants, or other mechanical treatments; populations have persisted along periodically mowed rights-of-way (e.g., underneath powerlines, along roads and railroads) for decades without a prescribed burn program. Populations must be suitably large and connected to provide a reservoir of individuals for cross-pollination, as plants will not self-fertilize, and to maintain levels of genetic diversity high enough to prevent harmful consequences from inbreeding depression and genetic drift (Ellstrand and Elam 1993, pp. 217–242). Redundancy improves with increasing numbers of populations, and connectivity (either natural or human-facilitated) allows connected populations to “rescue” each other after catastrophes. Representation improves with increased genetic diversity and/or environmental conditions within and among populations.

Viability of the Florida golden aster has been and will continue to be impacted both negatively and positively by anthropogenic and natural influences. Historically, the primary threats to the Florida golden aster were habitat loss (resulting from human development) and habitat degradation due to lack of adequate habitat management. As threats to habitat have been alleviated via habitat protection and management, recovery has been further bolstered by captive propagation followed by introduction into unoccupied sites.

#### Analysis of Threat Factors

Present or Threatened Destruction, Modification, or Curtailment of the Species' Habitat or Range

The main threat to this species at the time of listing was the destruction and modification of habitat. Habitat destruction, modification, and degradation on private lands and habitat degradation from lack of adequate

habitat management on public lands remain the primary risk factor to the species. The five populations occurring on private lands remain subject to adverse human activity including dumping, off-road recreational vehicles use, and land clearing. However, these activities are no longer threats to the 25 populations on protected conservation lands because of controlled access and restricted use.

Lack of management, especially the absence of periodic fire, historically led to habitat degradation throughout the species' range. The Florida golden aster occurs in open, sandy patches that historically were maintained by fire under natural conditions. Without naturally ignited fires or prescribed fire applications, the habitat becomes overgrown, resulting in unfavorable conditions for the species' persistence. Ideal habitat management is generally regarded as prescribed burning that mimics the historical burn patterns (frequent low-intensity fires in sandhill, less frequent burns in scrub, with fires primarily in late spring and summer) and periodic mechanical disturbance of the ground cover during late winter or early spring when seeds are dispersed (Lambert and Menges 1996, pp. 121–137). Initial burning to restore the openness of degraded habitat involves frequent intense fires, after which burning can be less intense and less frequent to simply maintain the habitat. Failing to maintain open scrub habitat can disrupt the Florida golden aster's reproduction, survival, and dispersal (Lambert and Menges 1996, pp. 121–137).

As with habitat destruction and modification, this threat from lack of management remains a concern mainly on private, non-conservation lands. Populations that occur on conservation lands are often being managed to maintain optimal open scrub habitat. However, budget constraints, manageability, conflicting priorities, and other factors (weather, lack of equipment, staff shortages, etc.) may preclude proper management activities even on conservation lands. Additionally, proximity to urbanized areas can limit the number of days available for prescribed burns, and urbanization in the Tampa Bay area is increasing rapidly (Xian et al. 2005, pp. 920–928). To be optimal, burn days must have wind speeds and wind directions that do not unduly burden urbanized areas with smoke. For this reason, large rural tracts of habitat are easier to burn than small tracts tucked into developed areas. Increasing commercial and residential development could lead to further

decreases in the ability to conduct prescribed burning in the future, which may or may not be replaced with adequate habitat management by other means (e.g., mowing) that are more expensive than using fire. The type of development also factors into management ability and flexibility, with major roads, schools, hospitals, retirement homes (places with vulnerable populations) weighing more heavily on the decision of if/when to burn than other types of development (Camposano 2018, pers. comm.).

Since the time of listing, conservation efforts for the Florida golden aster and other scrub habitat species have reduced the threat of habitat destruction, modification, and degradation. These conservation efforts include acquiring properties where the species naturally occurs, introducing populations on conservation lands, and conducting habitat management on conservation lands (e.g., prescribed burning). While habitat destruction and modification may still occur on private lands, 83 percent of the sites are on public conservation lands and, therefore, for the most part, are adequately managed and protected. Land acquisitions and introductions have increased the number of established populations within the historical range and have resulted in the expansion of the species' known range. Further, although the species will be delisted under the Act on the effective date of this rule (see **DATES**, above), the Florida golden aster will remain listed as threatened under State laws. Based on the best available information, we conclude that resources for necessary management activities on conservation lands will continue.

#### Disease or Predation

At the time of listing, grazing by domestic livestock was identified as a stressor because the species' populations were on private lands and many of the properties were in cattle production. However, at present, the 25 populations on conservation lands are not subject to any agriculture practices. No cattle grazing occurs on any of these properties. Therefore, we no longer consider grazing to be a threat.

#### Inadequacy of Existing Regulatory Mechanisms

The Florida Administrative Code (FAC) chapter 5B–40 (Preservation of Native Flora of Florida) provides the Florida Department of Agriculture and Consumer Services limited authority to protect plants on State and private lands (primarily from the standpoint of illegal harvest). Florida golden aster is listed as an endangered plant under this statute,

which requires anyone wishing to willfully harvest, collect, pick, remove, injure, or destroy any plant listed as endangered growing on the private land of another, or on any public land or water, to obtain the written permission of the owner of the land or water or his legal representative (FAC 5B–40.003(1)(a)). A permit is also required to transport for the purpose of sale, selling, or offering for sale any plant contained on the State's endangered plant list that is harvested from such person's own property (FAC 5B–40.003(1)(c)). The delisting of the Florida golden aster under the Act will not affect this State listing.

Several sites, consisting of thousands of plants, are now under county and State protection. Specifically, Hillsborough County has purchased considerable acreage through the Endangered Land Acquisition and Protection Program (ELAPP) that contains several large populations of Florida golden aster. In 1987, Hillsborough County passed the Environmentally Sensitive Lands Ordinance that established the foundation for ELAPP. This applies to nine populations on six sites in Hillsborough County. In 1990, this ordinance was amended and approved for another 20 years by increasing county taxes to allow additional funds to acquire conservation lands. In November 2008, voters approved the issuance of up to \$200 million in bonds for additional purchases.

ELAPP has worked with the Southwest Florida Water Management District and Florida Forever to jointly fund the acquisition of lands. Some of this money is also used for ELAPP to actively manage their properties to benefit Florida golden aster. Therefore, we find that the existing regulatory mechanisms will provide sufficient protections to the species and habitat after delisting, especially on public lands with ordinance protection. Currently, 27 sites where the species occurs are subject to Florida State law. These State and local protections have proven effective. For example, prescribed burning will continue through the ELAPP. Although we acknowledge that this could change in the future, we do not anticipate any future changes to the implementation of these programs at this time.

#### Other Natural or Manmade Factors Affecting the Species' Continued Existence

Our analyses under the Act include consideration of ongoing and projected changes in climate. The terms “climate” and “climate change” are defined by the

Intergovernmental Panel on Climate Change (IPCC). A recent compilation of climate change and its effects is available from reports of the IPCC (IPCC 2014, entire). The term “climate change” thus refers to a change in the mean or variability of one or more measures of climate (e.g., temperature or precipitation) that persists for an extended period, typically decades or longer, whether the change is due to natural variability, human activity, or both (IPCC 2007, p. 78). Various types of changes in climate can have direct or indirect effects on species. These effects may be positive, neutral, or negative and they may change over time, depending on the species and other relevant considerations, such as the effects of interactions of climate with other variables (e.g., habitat fragmentation) (IPCC 2007, pp. 8–14, 18–19). In our analyses, we use our expert judgment to weigh relevant information, including uncertainty, in our consideration of various aspects of climate change.

The IPCC concluded that the climate system is warming (Pachauri et al. 2014, entire). Effects associated with changes in climate have been observed, including changes in arctic temperatures and ice, widespread changes in precipitation amounts, ocean salinity, and wind patterns and aspects of extreme weather including droughts, heavy precipitation, heat waves, and the intensity of tropical cyclones (Pachauri et al. 2014, entire). Species that are dependent on specialized habitat types, limited in distribution, or at the extreme periphery of their range may be most susceptible to the impacts of climate change (Byers and Norris 2011, entire; Anacker et al. 2013, pp. 193–210). However, while continued change is certain, the magnitude and rate of change is unknown in many cases and could be affected by many factors (e.g., weather circulation patterns).

According to the IPCC, most plant species cannot naturally shift their geographical ranges sufficiently fast to keep up with current and high projected rates of climate change on most landscapes (IPCC 2014, p. 13). Plant species with restricted ranges may experience population declines as a result of the effects of climate change. The concept of changing climate can be meaningfully assessed both by looking into the future and reviewing past changes.

Using the National Climate Change Viewer and using greenhouse gas emission scenario (representative concentration pathway (RCP) 8.5), we calculated projected annual mean changes from 1981–2010 to those projected for 2025–2049 for maximum

temperature, precipitation, soil storage, and evaporative deficit in all counties where Florida golden aster occurs (Adler and Hostetler 2017, entire). We also calculated projected annual mean changes for a more conservative greenhouse gas emission scenario (RCP 4.5) using the same timeframes for maximum temperature, precipitation, soil storage, and evaporative deficit in all counties where Florida golden aster occurs (Adler and Hostetler 2017, entire). Based on these results, all 5 counties within the range of Florida golden aster will be subjected to higher temperatures (annual mean increase of 2.6 degrees Fahrenheit (°F) (RCP 4.5) or 2.9 °F (RCP 8.5)) and slightly higher precipitation (annual mean increase of 0.1 inch per month (RCP 4.5) or 0.2 inch per month (RCP 8.5)) in the period of 2025–2049 relative to the period of 1981–2010.

Additionally, climate change will likely influence Florida golden aster into the future by affecting habitat suitability and the ability to manage habitat with prescribed fire. Species that are dependent on specialized habitat types, limited in distribution (e.g., Florida golden aster), or at the extreme periphery of their range may be most susceptible to the impacts of climate change (Byers and Norris 2011, entire; Anacker et al. 2013, pp. 193–210). There is evidence that some terrestrial plant populations have been able to adapt and respond to changing climatic conditions (Franks et al. 2014, pp. 123–139). Both plastic (phenotypic change such as leaf size or phenology) and evolutionary (shift in allelic frequencies) responses to changes in climate have been detected. Given enough time, plants can alter their ranges, resulting in range shifts, reductions, or increases (Kelly and Goulden 2008, pp. 11823–11826; Loarie et al. 2008, p. 2502).

The climate in the southeastern United States has warmed about 2 °F from a cool period in the 1960s and 1970s and is expected to continue to rise (Carter et al. 2014, pp. 396–417). Projections for future precipitation trends in the Southeast are less certain than those for temperature, but suggest that overall annual precipitation will decrease, and that tropical storms will occur less frequently, but with more force (e.g., more category 4 and 5 hurricanes) than historical averages (Carter et al. 2014, pp. 396–417). Climatic changes, including sea level rise (SLR) and shifts in seasonal precipitation, temperature, and storm cycles, are projected to impact the southeastern United States over the next century. Under both lower and higher emissions scenarios, temperatures are

expected to increase (Carter et al. 2018, pp. 751–752), and climate change is expected to intensify the hydrologic cycle and increase the frequency and severity of extreme events like drought and heavy rainfall (Carter et al. 2018, p. 775). Increases in evaporation of moisture from soils and loss of water by plants in response to warmer temperatures are expected to contribute to increased frequency, duration, and intensity of droughts. Local sea level rise impacts depend not only on how much the ocean level itself is increasing, but also on land subsidence and/or changes in offshore currents (Carter et al. 2014, pp. 396–417), and impacts on terrestrial ecosystems can occur via submergence of habitat during storm surges or permanently, saltwater intrusion into the water table, and erosion. Of the current populations of the Florida golden aster, only one (Fort De Soto County Park, Pinellas County) is directly vulnerable to inundation from 0.3 m of sea level rise, a reasonable estimate of sea level rise by 2050. Hotter and drier conditions in the future could lead to fewer days with optimal conditions for prescribed burning, which could lead to reduced habitat quality if land managers are unable to make up for the lack of burning with adequate mechanical treatment.

It is possible that there will be increases in the number of lightning strikes and sizes and severities of resulting fires, which could have a positive or negative effect on specific Florida golden aster populations. Hurricanes similarly could have positive or negative effects on the species. Prolonged flooding could harm populations, but the mechanical disturbance of trees being uprooted from flood events could improve habitat for colonizing species like the Florida golden aster (Menges and Johnson 2017, pers. comm.).

Other potential climate change effects include changes in temperature and precipitation. Projections for future precipitation trends in the Southeast are less certain than those for temperature but suggest that overall annual precipitation will decrease. Hotter and drier conditions may complicate the ability to manage Florida golden aster with prescribed fires. Some terrestrial plant populations have been able to adapt and respond to changing climatic conditions (Franks et al. 2014, entire). Both plastic (phenotypic change such as leaf size or phenology) and evolutionary (shift in allelic frequencies) responses to changes in climate have been detected. Both can occur rapidly and often simultaneously (Franks et al. 2014, entire). However, relatively few studies

are available that (1) directly examine plant responses over time, (2) clearly demonstrate adaptation or the causal climatic driver of these responses, or (3) use quantitative methods to distinguish plastic versus evolutionary responses (Franks et al. 2014, entire).

As noted earlier, only one population (Fort De Soto County Park, Pinellas County) is directly vulnerable to inundation from 0.3 meters of sea level rise, a reasonable estimate of sea level rise by 2050. Hotter and drier conditions in the future could lead to fewer days with optimal conditions for prescribed burning, which could lead to reduced habitat quality if land managers are unable to make up for the lack of burning with adequate mechanical treatment. It is possible that there will be increases in the number of lightning strikes and sizes and severities of resulting wildfires, which could have a positive or negative effect on specific Florida golden aster populations. Hurricanes similarly could have positive or negative effects on the species. Prolonged flooding could harm populations, but the mechanical disturbance of trees being uprooted could improve habitat for colonizing species like Florida golden aster (Menges and Johnson 2017, pers. comm.). We have no additional information or data regarding effects of climate change with respect to Florida golden aster populations into the future; further research will be helpful to determine how this species responds directly to changes in temperature and water availability. However, from the known and forecasted information, we anticipate that effects to Florida golden aster from climate change will be limited and will not rise to the level of a threat.

Other influences not discussed in detail here, either because they are not thought to be a major threat or there is little information available, include invasive plant species like cogongrass (*Imperata cylindrica*), and future genetic consequences of small and/or translocated populations.

#### *Synergistic Effects*

Many of the stressors discussed in this analysis could work in concert with each other and result in a cumulative adverse effect to Florida golden aster, e.g., one stressor may make the species more vulnerable to other threats.

Synergistic interactions are possible between effects of climate change and effects of other threats, such as mowing, dumping, off-road recreational vehicle use, and land clearing. However, we currently do not have information to determine the likely effects of climate

change on interaction/competition between species, or on drought conditions. Uncertainty about how different plant species will respond under a changing climate makes projecting possible synergistic effects of climate change on Florida golden aster speculative. However, the increases documented in the number of populations since the species was listed do not indicate that cumulative effects of various activities and stressors are affecting the viability of the species at this time. Based on our analysis of future stressors, we do not anticipate that cumulative effects will affect the viability of the species in the foreseeable future. Likewise, climate change, as discussed above, with hotter and drier conditions can add additional complexity to future prescribed burns. Available habitat in those tracts that are easier to burn, or that can be managed by other methods (e.g., mechanical manipulation), will be sufficient. Similarly, most of the potential stressors we identified either have not occurred to the extent originally anticipated at the time of listing or are adequately managed as described above. In addition, we do not anticipate significant stressors to increase on publicly owned lands or lands that are managed for the species.

### Current Condition

#### *Delineating Populations*

For the SSA, we delineated populations using a 2-km separation distance rule based on species expert opinion, resulting in 30 populations across five counties. This strategy differs from the 1-km separation distance rule that was used in the most recent 5-year review, which was based on NatureServe's default criteria for defining plant populations (NatureServe 2004, entire). The team of species experts providing input on the SSA suspected that 1 km is likely an underestimate of the distance that gene flow can regularly occur via pollination. While the exact insect pollinators of the Florida golden aster are not known, studies on multiple bee species (major plant and *Chrysopsis* pollinators) demonstrate foraging distances that regularly exceed 1 km (Greenleaf et al. 2007, pp. 289–296; Hagler et al. 2011, p. 144).

#### *Current Resiliency*

Resiliency refers to the ability of populations to withstand stochastic events, whether demographic, environmental, or anthropogenic. Populations with low resiliency are highly vulnerable to stochastic events

and face a high risk of extirpation within the next few decades. Populations with moderate resiliency are less likely to be extirpated within the next few decades, but require additional growth (with help of regular habitat management and/or restoration) to become more self-sustaining and resilient to stochastic events. Populations with high resiliency are unlikely to be extirpated within the next 30 years in the absence of catastrophes or significant declines in the quality of habitat management. Populations with very high resiliency are the most robust and resistant to stochastic fluctuations.

In the SSA, we assessed resiliency for each population using three factors: (1) population size, (2) habitat protection, and (3) area of available habitat. Other factors were considered that likely contribute to population resiliency, but data were not available to assess them over all or most of the populations including certain explicit measures of habitat quality, fire management, existence of land management plans, and population trends. While some past survey data are available for many populations, species experts did not feel comfortable comparing population counts across time periods. In many cases, differences in population sizes were likely not a result of increasing populations, but rather of differences in survey methodology, number of surveyors, and/or areas searched (e.g., surveyors who were more likely to visit known patches and not find new patches; alternately, a bias toward larger counts over time as old patches are revisited and additional patches are found). Nevertheless, we are confident that these population data demonstrate resiliency of the species. Regardless, this species has not been extensively studied; therefore, there was some uncertainty in the SSA in precisely how these factors influenced Florida golden aster population resiliency.

#### Population Size

Population size is both a direct contributor to resiliency and an indirect indicator of resiliency. Small populations are more susceptible to demographic and environmental stochastic events than larger populations. Small populations are also more likely to suffer from decreased fitness because of low genetic diversity from inbreeding or genetic drift (Willi et al. 2005, pp. 2255–2265). For Florida golden aster, large populations are more buffered from the effects of prescribed burning or other disturbances, which are necessary to maintain open habitat but can temporarily reduce population sizes by killing plants. Indirectly, large

population sizes are likely indicative of other conditions that contribute to population resiliency. For example, in the SSA, we did not have adequate data to assess habitat quality and the quality of management at all the Florida golden aster populations; therefore, we assumed large population sizes likely generally reflect good habitat quality and management (among other factors) compared to smaller populations, although this assumption may not hold in all cases.

We categorized populations into 4 size classes: fewer than 100 individuals, 100–500 individuals, 501–1,000 individuals, and more than 1,000 individuals. Each population size class was associated with one of the following baseline resiliency classes, respectively: low, moderate, high, and very high (explained further below).

We chose the population size threshold between high and very high resiliency of 1,000 individuals because it is the typical population size used to rank element occurrences as having “excellent viability” and likely to persist for the next 20–30 years (NatureServe 2008, entire). This is a generic population size limit that was not specifically tailored to Florida golden aster with empirical data. Further support for using 1,000 individuals as the threshold for the highest resiliency category came from a study of 10-year extirpation rates for populations of varying sizes of eight short-lived plant species in Germany (Matthies et al. 2004, pp. 481–488). In this study, for seven of eight species, the probability of population persistence increased with population size, and all populations of more than 1,000 individuals (flowering plants) persisted for the duration of the 10-year study.

We obtained the most recent size data for all 30 populations, with data collected as recently as 2018 for some populations, and none older than 2006 for any population. However, population sizes have undoubtedly changed since the most recent surveys, as populations fluctuate in response to management actions, time since management, environmental events, stochastic demographic processes, and so forth. Thus, the reported numbers reflect best available estimates for population sizes, rather than precise counts meant to represent actual current population sizes. According to the SSA report, population sizes include all plants counted, whether flowering or not. Survey data for some populations provide separate counts for each life stage, but for many populations, survey data are simply numbers with no information about whether that number

was only flowering plants, or all plants (Service 2018, p. 22). Using total plant numbers, and assuming that ambiguous counts are minimum counts of total plants in each population, we were conservative in our population counts. The alternative of assuming that ambiguous counts are of only flowering adult plants, when they may include basal rosettes, would inflate population sizes in cases where the assumption was wrong.

#### Habitat Protection

Habitat was considered “protected” if it was acquired in fee simple and placed into long-term conservation by a nongovernmental, local, State, or Federal entity, or if there is a binding land agreement. Protected sites have management plans developed and being implemented. The effect of the degree of habitat protection on resiliency is discussed below.

#### Habitat Area Available

Florida golden aster population sizes fluctuate and can occur in high densities in small patches of habitat. However, as a general rule of thumb for a given population size, a population covering a large area will be more

resilient than a population covering a small area. A perturbation of the same size will have a proportionally larger effect on small-area populations than large-area populations. In assessing population resiliency, we considered the amount of habitat available rather than the amount of habitat occupied for two reasons. First, the amount of area occupied was very uncertain for most populations. Surveys are likely to return to known patches of the Florida golden aster, but new patches can be easily missed, and it is likely that the data we have underestimates the true amount of area occupied by the Florida golden aster. Adding to the uncertainty, the most current spatial data for some populations comes from 2006, and may no longer reflect the current distribution at those sites. Second, population footprints are not always static across available habitat; the Florida golden aster can spread into unoccupied areas as populations grow, or shift across a landscape as different areas become more or less suitable or both. For this reason, we used the amount of habitat available for populations to occupy currently, grow into, or shift into as a factor contributing to population

resiliency. We identified available habitat within a 2-km radius around known occurrences, consistent with the assumption we made about pollinator movement when delineating populations. We characterize the available habitat for populations as small or large, with 14.2 hectares as the threshold between the two groups. This value was selected based on natural breaks in the data and expert input.

#### Classifying Resiliency Based on the Selected Factors

Resiliency classes were based primarily on population size as described above, with four resiliency classes corresponding to four population size categories. Populations with fewer than 100 individuals were determined to have low resiliency. Within the three higher population size categories (100–500, 501–1,000, and more than 1,000 plants), populations were assigned a baseline resiliency score associated with their population size (moderate, high, or very high, respectively). This baseline score could then be lowered by either of the two other factors, habitat protection and habitat area available; see table 1 below.

TABLE 1—STRATEGY FOR ASSIGNING CURRENT RESILIENCY SCORES TO POPULATIONS OF *C. FLORIDANA*

Population size (# plants)	Habitat protected	Habitat not protected	Habitat area available
<100 .....	Low		Small. Large.
100–500 .....	Low .....	Low .....	Small. Large.
501–1,000 .....	Moderate .....	Moderate .....	Small. Large.
>1,000 .....	High .....	High .....	Small. Large.
	Very High .....	High .....	Large.

Populations that occur on non-protected lands were assigned to the resiliency class one step lower than they would if they were on protected lands. By doing this, we did not intend to discount the importance of populations on non-protected lands to the viability of the species or imply that owners of these parcels are managing the land poorly or are harming the Florida golden aster. Large populations of Florida golden aster can be supported on private lands. For example, when private landowners burn pasture to improve forage for cattle, they may improve habitat for Florida golden aster. However, even large populations of fire-adapted scrub plants can rapidly decline due to poor management (e.g., *Polygal lewtonii*, Weekley and Menges

2012, entire; *Warea carteri*, Quintana-Ascencio et al. 2011, entire), and private lands that are not protected for conservation are at higher risk of changes in management or land use that could harm Florida golden aster populations. For populations that extend across property boundaries and contain individuals occurring on both protected and non-protected lands, we used the protection status that applied to most individuals to classify the entire population.

Populations occupying or surrounded by a small area of available habitat were assigned to the resiliency class one step lower than they would otherwise be assigned if they existed within a larger area of available habitat, as they are less able to withstand and recover from perturbations or shift across a landscape

as habitat quality changes. For any populations experiencing both resiliency-reducing conditions (small habitat area on non-protected lands), the resiliency score was only reduced one step rather than being reduced twice (i.e., once for each condition). The Duette populations were the most recently introduced populations. They have been growing rapidly and are surrounded by ample habitat and little to no development; therefore, these two populations were projected to increase from high to very high resiliency.

Summaries of the 30 delineated populations and their resiliency scores can be found in the SSA report (Service 2018, p. 32) and in table 2, below. In conclusion, resiliency scores remained stable.



TABLE 2—SUMMARY OF CURRENT RESILIENCY SCORES BY PROTECTED STATUS FOR FLORIDA GOLDEN ASTER

Resiliency class	All populations	Protected	Not protected
Very High .....	7	7	0
High .....	11	10	1
Moderate .....	6	5	1
Low .....	6	3	3

Current Redundancy and Representation

Redundancy for Florida golden aster is naturally low because it is an endemic species with a narrow range in Florida around the Tampa Bay region and Hardee County farther inland (with one population just across the border in Highlands County). The entire species’ range spans five counties, with half of the populations occurring in Hillsborough County (see figure 2, below). The longest distance between two populations is 131 km. However, as this is a narrow-ranging endemic, the spatial distribution of populations across its range does confer a moderate amount of redundancy, defined as the ability of the species to withstand catastrophic events. Catastrophic events could include, among others, fires occurring too frequently, droughts, disease outbreaks, or hurricanes with prolonged flooding, each of which have

impacts at a different spatial scale. No information is known about seedbank resiliency in the soil for this species; without knowing this, it is difficult to predict long-term impacts of catastrophes.

The 30 known populations are distributed in three main groupings. There are about 20–30 km between each of the groupings, providing a buffer around each that may protect them from catastrophic events affecting the others (*e.g.*, disease outbreak, depending on transmission type and vectors). Within each geographic cluster, there are at least two highly or very highly resilient populations, which could serve as sources to naturally recolonize populations lost to catastrophic events. The Hardee-Highlands cluster has the lowest redundancy (two moderately resilient populations, six populations total) and is the most isolated from the other clusters. The Pinellas cluster has the next lowest redundancy of resilient

populations (3 highly resilient populations, 4 populations total), and the Hillsborough-Manatee cluster has the highest redundancy (13 resilient populations, 20 populations total); see figure 2 below. Another factor contributing to redundancy is the wide range of property ownership; with so many managing entities, the species is buffered against poor management of any one entity (*e.g.*, due to budget issues or changing priorities). Based on the spatial distribution of resilient populations managed by a variety of entities across a narrow range, current redundancy is considered qualitatively to be low to moderate. Rather than solely relying on this rather subjective classification in assessing the current viability of the species, characterizing current redundancy is most useful in comparison to redundancy under the future scenarios; see Future Conditions discussion below.

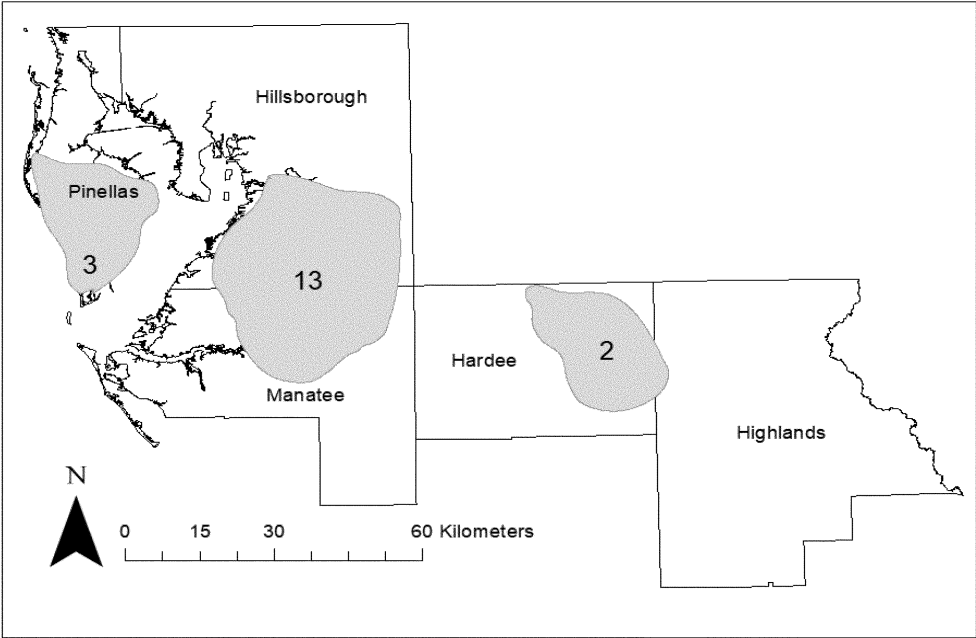


FIGURE 2. Spatial distribution of Florida golden aster populations in three main geographic clusters across five counties in Florida. The number of populations with high and very high resiliency is shown within each cluster.

Representative units for this species could not be defined based on available data, with representation defined as the ability of the species to adapt to changing environmental conditions. Species experts contributing to the SSA suspect that there might be representative units with different genetic adaptations associated with soil differences, elevation above the water table, fire regime, or habitat structure. However, there are no data currently to confirm or refute these hypotheses. Genetic studies have found little to no genetic clustering among populations, with 80 percent of observed genetic variation occurring within populations, and only 20 percent of the variation attributable to between-population differences (Markham 1998, p. 41). These results support the existence of a single representative unit for the species. However, that study did not examine genetic markers known to be associated with adaptive traits. Vital rates and morphology were observed to differ between individuals from different source populations that were grown at Bok Tower Gardens and introduced to other sites (Campbell 2008, entire). This observation provides evidence that there might be adaptive differences between different “types” of the Florida golden aster across the species’ range. However, without any firm evidence to define representative units, we refrain from doing so here. Future research on the Florida golden aster’s genetics, life history, and habitat differences can provide a more definitive basis for defining representative units in future iterations of the SSA report.

### Future Conditions

#### *Analytical Framework*

For the SSA report, we developed three plausible future scenarios under which to capture the breadth of all likely future variability and assess the future viability of Florida golden aster in terms of resiliency, redundancy, and representation. Based on expert opinion, the lifespan of the Florida golden aster, ideal fire-return intervals (at least every 10 years), uncertainty about future conditions, and lack of knowledge about certain aspects of Florida golden aster ecology, we chose to project populations 20 years into the future under each scenario, although some of these projections could be reasonably expected to continue for some time after the 20 years. With approximately 30 years of real data and trends, we project that the same trends will continue. The three hypothetical future scenarios are

Status Quo, Pessimistic, and Targeted Conservation.

In considering development as a threat, we used the SLEUTH (Slope, Land use, Excluded, Urban, Transportation and Hillshade; Jantz et al. 2010, p. 34:1–16) data sets from the years 2020 (closest to current year) and 2040 (closest to 20 years in the future), and examined the area predicted, with at least 80 percent probability, to be urbanized. Therefore, our assessment was both quantitative, calculating the area within the 5-km buffer surrounding each population that was urbanized at each time point, and qualitative, inspecting the distribution of urbanization and major roads within that area (e.g., is the urbanization concentrated to one side of the population or surrounding it).

With both the quantitative and qualitative assessments, we categorized populations as having either low risk or high risk of development impacting management for Florida golden aster. We defined high risk of impacting management as greater than 50 percent chance of negatively impacting management, and less than 50 percent for low risk. Populations classified as having low risk from development averaged 7.9 percent developed area within the 5-km buffer by 2040, with a range of 0 to 39 percent developed. Populations classified as having high risk from development averaged 45.5 percent developed area within the same buffer, ranging from 23 to 85 percent. For three populations with a percent of developed area in the overlapping range between the two categories (23 to 39 percent developed), the deciding factor between low risk and high risk was the distribution of development and roads around the population.

#### *Habitat Quantity*

Habitat quantity can be negatively impacted by development or land use change (particularly on private lands) or positively impacted by land acquisition, restoration, and introductions into unoccupied sites that already have presumably suitable habitat.

#### *Habitat Quality*

Habitat quality is closely tied to active habitat management to maintain openness either by prescribed burning or by other types of management. In constructing our scenarios, we considered two avenues by which future habitat management can be influenced: (1) the level of habitat management effort and (2) the amount and type of development near the Florida golden aster populations (to the extent the development affects the ability to

conduct management actions, such as prescribed burns). First, the managing entities can choose their desired level of management effort by implementing (or not) a management plan or by allocating funding or personnel to or away from habitat management among competing priorities and limited resources. For our scenarios, we allowed for three levels of habitat management effort by managing entities. The first was management for stability, a moderate level of management that would be expected to maintain populations at their current size. The other two management levels were an increase, or a decrease, compared to management for stability. An increase in management effort would be expected to grow populations, while a decrease in management would be expected to result in population declines.

The second avenue by which future habitat management can be influenced is development, particularly major roads and types of development associated with “vulnerable” human populations (e.g., schools, hospitals). This kind of development surrounding habitat limits management via prescribed burns by limiting the days that burns can take place—weather conditions must align to ensure proper smoke management. For example, if a population is surrounded by nearby development to the north and west, it can only be burned when the wind is blowing to the south and east. As more development surrounds populations, there is less flexibility for prescribed burns. However, the appropriate radius around populations within which development might impact management ranges from 0.8 km up to 8.0 km as the appropriate radius depends on a variety of factors for each burn, including the type of development, temperature, humidity, wind conditions, size of the planned burn, risk tolerance of those implementing the burn, and other factors. For the SSA, we chose an intermediate value, 5 km, in which to examine current and predicted future development. In choosing this concrete value, we acknowledged that this number is quite variable, and some burns will need to consider areas greater or less than 5 km away, but this value allowed us to gain a general understanding of the risks of development on managing surrounding populations.

Within a 5-km radius around the Florida golden aster occurrences, we used geographic information systems (GIS) to examine current and projected urbanization and roads. Urbanization data came from the SLEUTH model, and road data were available from the

Florida Department of Transportation. The SLEUTH model has previously been used to predict probabilities of urbanization across the southeastern United States in 10-year increments, and the resulting GIS data are freely available (Belyea and Terrando 2013, entire). For our 20-year future projection, we used the SLEUTH data sets from the years 2020 and 2040, and examined the area predicted, with at least 80 percent probability, to be urbanized. Our assessment was both quantitative, calculating the area within the 5-km buffer surrounding each population that was urbanized at each time point, and qualitative, inspecting the distribution of urbanization and major roads within that area (e.g., is the urbanization concentrated to one side of the population or surrounding it?). With this quantitative and qualitative assessment, we categorized populations as having either a low risk or a high risk of development impacting the ability to manage the population.

These two aspects of future management, (1) management resources and willingness of the entity to manage, and (2) impacts of surrounding development on management, interacted in our future scenarios in the following way: with decreases in management effort (compared to management for stable populations), population resiliency decreased one level. With management for stability, population resiliency stayed the same as the current condition resiliency when there was low risk of development impacts; but where there was a high risk, resiliency decreased one level, reflecting that management will be more challenging with higher risk from development. With increases in management effort, population resiliency increased when there was low risk of development impacts, but stayed the same when there was a high risk; the increased management effort canceled out the increased risk caused by development.

#### Future Scenarios

##### Status Quo

Under the Status Quo scenario, no new protected areas were acquired and no new populations were introduced.

Management efforts for all populations were maintained at current levels, assuming that the ability to manage would not be hampered climate change or other factors. This scenario also assumes that conservation commitments outlined in management plans currently being implemented will continue. Of the introductions since 2008, all have more than 1,000 plants except for the two populations at Duette Preserve (North and South).

##### Pessimistic

Under the Pessimistic scenario, management effort on all populations decreased, resulting in a drop in resiliency scores across the board. Additionally, based on uncertainty in whether populations on non-protected lands would continue to be managed in a way that is compatible with continued Florida golden aster persistence, in this scenario all populations on non-protected lands were assumed to be lost due to presumed land use or management change. As with the Status Quo scenario, no new protected areas were acquired, and no new populations were introduced.

##### Targeted Conservation

Under the Targeted Conservation scenario, populations with high and very high resiliency were managed to maintain their rank. In cases where populations had a high risk of development limiting the ability to manage, this goal involved an increase in management effort compared to what would be needed to maintain the same level of resiliency for a population with a low risk of development impacts. Populations with currently moderate resiliency on protected lands received management effort increases to either move them into the high resiliency class (low risk from development) or maintain moderate resiliency (high risk from development). Conservation resources were steered towards maintaining and growing these larger populations, and not as much towards rescuing populations that currently have low resiliency. Additionally, five new sites were selected across the species' range in which to introduce new populations, thus improving species redundancy.

##### Likelihood of Scenarios

Of these three scenarios, the Status Quo scenario is the most likely to occur, although the Targeted Conservation scenario represents a likely future if both habitat-focused management (prescribed burning and mechanical or manual habitat management) by a variety of partners/managing entities and species-specific conservation (captive propagation and introductions) are prioritized and well-funded. The Pessimistic scenario was unlikely; given that Florida golden aster populations span so many different ownerships, it is unlikely that all the different managing entities will develop the land especially when there are other co-occurring endangered, threatened, and candidate species occupying the same habitat (e.g., Florida scrub-jay, *Apelocoma coerulescens*; eastern indigo snake, *Drymarchon couperi*). The Targeted Conservation scenario was not likely with current conservation resources but, as noted above, could reflect a likely future if the needed management and conservation actions are prioritized and well-funded.

##### Future Resiliency

Future (20 years) resiliency of Florida golden aster populations under three scenarios is summarized in the SSA report (Service 2018, p. 49), and is presented below in table 3. As implied by the scenario name, resiliency of populations under the Pessimistic scenario was predicted to be poor, with only 7 highly resilient populations, a decrease from 18 currently highly or very highly resilient populations. Under the Status Quo scenario, we expect resiliency to drop to 12 highly or very highly resilient populations due solely to the effect of development limiting the ability to adequately manage habitat. Under the Targeted Management scenario, focused management and conservation efforts to counteract detrimental effects of urbanization, the growth of existing populations, and the introduction of new populations are expected to result in significant gains in resilient populations, with an increase from 18 to 27 highly or very highly resilient populations expected highly or very highly resilient populations.

TABLE 3—SUMMARY OF RESILIENCY SCORES TALLIED ACROSS ALL POPULATIONS OF FLORIDA GOLDEN ASTER FOR THE CURRENT CONDITION AND FUTURE CONDITION UNDER THREE HYPOTHETICAL SCENARIOS: STATUS QUO, PESSIMISTIC, AND TARGETED CONSERVATION

Resiliency class	Current	Status quo	Pessimistic	Targeted conservation
Very High .....	7	4	0	9
High .....	11	8	7	18
Moderate .....	6	11	11	2
Low .....	6	3	5	2
Likely Extirpated .....	0	4	7	4

#### *Future Redundancy and Representation*

Redundancy 20 years in the future was expected to decrease compared to current condition under the Status Quo and Pessimistic Scenarios. In all scenarios, the majority of highly and very highly resilient populations were found in Hillsborough and Manatee Counties. All redundancy of highly resilient populations in Pinellas County and the Hardee and Highlands Counties cluster is lost under the Pessimistic scenario. In the Status Quo scenario, where drops in resiliency were due to development risks to management, no highly resilient populations remained in the heavily urbanized Pinellas County. Even in the Targeted Conservation scenario, redundancy within Pinellas County did not improve, but both the number and distribution of highly resilient populations in the other two clusters did improve. We did not assess representation in the future due to a present lack of information needed to delineate representative units.

We note that, by using the SSA framework to guide our analysis of the scientific information documented in the SSA report, we have analyzed the cumulative effects of identified threats and conservation actions on the species. To assess the current and future condition of the species, we evaluate the effects of all the relevant factors that may be influencing the species, including threats and conservation efforts. Because the SSA framework considers not just the presence of the factors, but to what degree they collectively influence risk to the entire species, our assessment integrates the cumulative effects of the factors and replaces a standalone cumulative-effects analysis.

#### *Conservation Efforts and Regulatory Mechanisms*

The Florida Administrative Code 5B–40 (Preservation of Native Flora of Florida) provides the Florida Department of Agriculture and Consumer Services (FDACS) limited authority to protect plants on State and private lands (primarily from the

standpoint of illegal harvest). Florida golden aster is listed as an Endangered Plant under this statute, which requires anyone wishing to “willfully harvest, collect, pick, remove, injure, or destroy any plant listed as endangered growing on the private land of another or on any public land or water” to “obtain the written permission of the owner of the land or water or his legal representative” (FAC 5B–40.003(1)(a)). A permit is also required to transport “for the purpose of sale, selling, or offering for sale any plant contained on the endangered plant list which is harvested from such person’s own property” (FAC 5B–40.003(1)(c)).

There are now several sites and thousands of plants under county and State protection. Specifically, Hillsborough County has purchased considerable acreage through the Endangered Land Acquisition and Protection Program that contain several large populations. Golden aster is also documented at Lake Manatee State Recreation Area and Little Manatee River State Park in Manatee and Hillsborough Counties. Currently, 27 sites where the species occurs are subject to State laws.

#### **Determination of Florida Golden Aster’s Status**

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

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

#### *Status Throughout All of Its Range*

After evaluating threats to the species and assessing the cumulative effect of the threats under the Act’s section 4(a)(1) factors, we find that the present or threatened destruction, modification, or curtailment of Florida golden aster habitat (Factor A), which was the basis for listing the species, is no longer a threat. At the time of listing, Florida golden aster was thought to persist only in Hillsborough County. Now, the species is known to occur in four additional counties: Hardee, Highlands, Manatee, and Pinellas Counties. While destruction and modification of habitat is still the primary threat to the species, the magnitude of this threat has been greatly reduced since listing. Further, the number of populations has increased. Under the recovery plan for the species, delisting could be considered if 20 populations were secured. The number of known extant populations has increased from 9 in 1986 to 30 in 2017 because of additional surveys, habitat restoration, and outplanting within the historical range of the species. Of those 30 populations, 25 populations are located on protected conservation lands, and 22 of those 25 populations have been determined to have at least moderate resiliency. We expect current levels of management to continue these conservation lands at these locations, and we anticipate the number of individuals within the populations to increase.

For the determination of whether the species is likely to become endangered within the foreseeable future throughout all its range, and thus meet the Act’s definition of a threatened species, we considered the “foreseeable future” to be 20 years into the future under the three hypothetical future scenarios. Our SLEUTH tool projected future possible development to 20 years, NatureServ

considers large population sizes likely to persist over the next 20–30 years, and considerations of climate change make projections beyond 20 to 30 years much more speculative. Also, given the average lifespan of the species (approximately 3–5 years), a period of 20 to 30 years allows for multiple generations and detection of any population changes. Under all three scenarios evaluated, the Florida golden aster is expected to continue to persist across its currently known range. Under the Status Quo scenario, which is also the most likely to occur, 12 populations are projected to be highly or very highly resiliency and 11 moderately resilient across all three geographic clusters, as habitat modification is no longer a threat for the populations on protected lands and current management of those lands is expected to continue. Four populations (three natural and one introduced) currently in low condition are projected to become extirpated in the Status Quo scenario. Even under the Pessimistic scenario, which is least likely to occur, 7 populations are projected to be in high condition and 11 in moderate condition, all of which occur on protected lands with conservation management expected to continue at some level. Given that most populations projected to remain extant with at least moderate resiliency are on protected lands managed for scrub habitat, it is unlikely the species will become endangered within the foreseeable future throughout all its range. Thus, after assessing the best available information, we conclude that the Florida golden aster is not in danger of extinction now or likely to become so within the foreseeable future throughout all its range.

#### *Status Throughout a Significant Portion of Its Range*

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so within the foreseeable future throughout all or a significant portion of its range. Having determined that the Florida golden aster is not in danger of extinction or likely to become so within the foreseeable future throughout all of its range, we now consider whether it may be in danger of extinction or likely to become so within the foreseeable future in a significant portion of its range—that is, whether there is any portion of the species' range for which it is true that both (1) the portion is significant, and (2) the species is in danger of extinction now or likely to become so within the foreseeable future in that portion. Depending on the case, it might be more

efficient for us to address the “significance” question or the “status” question first. We can choose to address either question first. Regardless of which question we address first, if we reach a negative answer with respect to the first question that we address, we do not need to evaluate the other question for that portion of the species' range.

For Florida golden aster, we chose to evaluate the status question first. We began by identifying portions of the range where the biological status of the species may be different from its biological status elsewhere in its range. For this purpose, we considered information pertaining to the geographic distribution of individuals of the species, the threats that the species faces, and the resiliency condition of populations.

We evaluated the range of the Florida golden aster to determine if the species is in danger of extinction now or likely to become so within the foreseeable future in any portion of its range. The range of a species can theoretically be divided into portions in an infinite number of ways. We focused our analysis on portions of the species' range that may meet the Act's definition of an endangered species or a threatened species. For the Florida golden aster, we considered whether the threats or their effects on the species are greater in any biologically meaningful portion of the species' range than in other portions such that the species is in danger of extinction now or likely to become so within the foreseeable future in that portion.

We examined the following threats: development and climate change, including cumulative effects. Currently, there are 30 known extant Florida golden aster populations occurring in five counties (Hillsborough, Manatee, Pinellas, Highlands, and Hardee Counties), with 25 of these populations occurring on conservation lands (Federal, State, and conservation easements). Climate change, as discussed above, is uniformly acting upon the species across its range, except for sea level rise, which would only potentially affect one population at Fort De Soto County Park in Pinellas County. As this would potentially impact just a single population out of 30 populations, we do not consider this concentration of threats to be at a biologically meaningful scale.

Although development is currently concentrated in Pinellas County, that activity would negatively impact in the foreseeable future only five populations that occur on private lands or along roadways or railroad lines. However, two of these populations have high and

moderate resiliency (the remaining three populations have low resiliency), and this pattern will continue in the future. The Pinellas County populations are currently in low condition, and some may become extirpated within the foreseeable future due to development. Therefore, our examination leads us to find that there is substantial information that the Pinellas County populations may become in danger of extinction within the foreseeable future.

We then proceeded to consider whether this portion of the range (*i.e.*, the Pinellas County populations) is significant. For the purposes of this analysis, the Service is considering significant portions of the range by applying any reasonable definition of “significant.” We assessed whether any portions of the range may be biologically meaningful in terms of the resiliency, redundancy, or representation of the entity being evaluated. This approach is consistent with the Act, our implementing regulations, our policies, and case law.

Currently, the Pinellas County populations represent a small portion (less than 10 percent based on current extant populations) of the species' range, which is not a large geographic area relative to the range of the species. Further, these populations were all introduced after listing (*i.e.*, they are not naturally occurring populations) and are not contributing much to the viability of the species. This portion does not contribute high-quality habitat or constitute high-value habitat for the species. In addition, this portion does not constitute an area of habitat that is essential to a specific life-history function for the species that is not found in the remainder of the range. Therefore, this area does not represent a significant portion of the species' range.

Accordingly, we find that the Florida golden aster is not in danger of extinction now or likely to become so within the foreseeable future in any significant portion of its range. This does not conflict with the courts' holdings in *Desert Survivors v. Department of the Interior*, 321 F. Supp. 3d 1011, 1070–74 (N.D. Cal. 2018), and *Center for Biological Diversity v. Jewell*, 248 F. Supp. 3d 946, 959 (D. Ariz. 2017) because, in reaching this conclusion, we did not apply the aspects of the Final Policy on Interpretation of the Phrase “Significant Portion of Its Range” in the Endangered Species Act's Definitions of “Endangered Species” and “Threatened Species” (79 FR 37578; July 1, 2014), including the definition of “significant,” that those court decisions held to be invalid.

### Determination of Status

Our review of the best available scientific and commercial data available indicates that the Florida golden aster does not meet the definition of an endangered species or a threatened species in accordance with sections 3(6) and 3(20) of the Act. In accordance with our regulations at 50 CFR 424.11(e)(2) currently in effect, Florida golden aster does not meet the definition of an endangered or threatened species. Therefore, we are removing the Florida golden aster from the List of Endangered and Threatened Plants.

### Effects of This Final Rule

This final rule revises 50 CFR 17.12(h) by removing the Florida golden aster from the Federal List of Endangered and Threatened Plants. On the effective date of this rule (see DATES, above), the prohibitions and conservation measures provided by the Act, particularly through sections 7 and 9, will no longer apply to the Florida golden aster. Federal agencies will no longer be required to consult with the Service under section 7 of the Act if activities they authorize, fund, or carry out may affect the Florida golden aster. There is no critical habitat designated for this species, so this rule does not affect 50 CFR 17.96.

### Post-Delisting Monitoring

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

procedures, including, if appropriate, emergency listing.

We have prepared a PDM plan for Florida golden aster. The PDM plan: (1) summarizes the status of Florida golden aster at the time of proposed delisting; (2) describes frequency and duration of monitoring; (3) discusses monitoring methods and potential sampling regimes; (4) defines what potential triggers will be evaluated to address the need for additional monitoring; (5) outlines reporting requirements and procedures; (6) proposes a schedule for implementing the PDM plan; and (7) defines responsibilities.

We made the draft PDM plan available for public comments with the proposed rule published on June 24, 2021 (86 FR 33177). We did not receive any comments on the draft PDM plan; therefore, we are adopting the draft plan as the final plan. The final PDM plan for the species can be found at <https://www.regulations.gov> under Docket No. FWS-R4-ES-2019-0071. It is our intent to work closely with our partners towards maintaining the recovered status of the Florida golden aster.

### Required Determinations

#### *Government-to-Government Relationship With Tribes*

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

remain sensitive to Indian culture, and to make information available to Tribes. We have determined that no Tribes will be affected by this final rule because no Tribal lands, sacred sites, or resources will be affected by the removal of the Florida golden aster from the List of Endangered and Threatened Plants.

### References Cited

A complete list of references cited is available on the internet at <https://www.regulations.gov> under Docket No. FWS-R4-ES-2019-0071 and upon request from the Florida Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**, above).

### Authors

The primary authors of this final rule are staff members of the Service's Species Assessment Team and the Florida Ecological Services Field Office.

### List of Subjects in 50 CFR Part 17

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

### Regulation Promulgation

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

## **PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS**

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

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

### **§ 17.12 [Amended]**

■ 2. In § 17.12, in paragraph (h), amend the List of Endangered and Threatened Plants by removing the entry for “*Chrysopsis floridana*” under FLOWERING PLANTS.

### **Stephen Guertin,**

*Acting Director, U.S. Fish and Wildlife Service.*

[FR Doc. 2024–04278 Filed 3–4–24; 8:45 am]

**BILLING CODE 4333–15–P**

# Proposed Rules

Federal Register

Vol. 89, No. 44

Tuesday, March 5, 2024

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

## DEPARTMENT OF JUSTICE

### 28 CFR Part 202

[Docket No. NSD 104]

RIN 1105–AB72

#### National Security Division; Provisions Regarding Access to Americans' Bulk Sensitive Personal Data and Government-Related Data by Countries of Concern

**AGENCY:** National Security Division, Department of Justice.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Executive order of February 28, 2024, “Preventing Access to Americans’ Bulk Sensitive Personal Data and United States Government-Related Data by Countries of Concern” (the Order), directs the Attorney General to issue regulations that prohibit or otherwise restrict United States persons from engaging in any acquisition, holding, use, transfer, transportation, or exportation of, or dealing in, any property in which a foreign country or national thereof has any interest (“transaction”), where the transaction: involves U.S. Government-related data or bulk U.S. sensitive personal data, as defined by final rules implementing the Order; falls within a class of transactions that has been determined by the Attorney General to pose an unacceptable risk to the national security of the United States because it may enable access by countries of concern or covered persons to Americans’ bulk sensitive personal data or U.S. government-related data; and meets other criteria specified by the Order. This advance notice of proposed rulemaking (ANPRM) seeks public comment on various topics related to the implementation of the Order.

**DATES:** Written comments on this ANPRM must be received by April 19, 2024.

**ADDRESSES:** You may send comments, identified by Docket No. NSD 104, by either of the following methods:

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

• **Mail:** U.S. Department of Justice, National Security Division, Foreign Investment Review Section, 175 N Street NE, 12th Floor, Washington, DC 20002.

**Instructions:** We encourage comments to be submitted via <https://www.regulations.gov>. Please submit comments only and include your name and company name (if any) and cite “Provisions Pertaining to Preventing Access to Americans’ Bulk Sensitive Personal Data and U.S. Government-Related Data by Countries of Concern” in all correspondence. Anyone submitting business confidential information should clearly identify the business confidential portion at the time of submission, file a statement justifying nondisclosure and referring to the specific legal authority claimed, and provide a non-confidential version of the submission. For comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters “BC.” Any page containing business confidential information must be clearly marked “BUSINESS CONFIDENTIAL” at the top of that page. The corresponding non-confidential version of those comments must be clearly marked “PUBLIC.” The file name of the nonconfidential 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 posted without change, including any business or personal information provided, such as names, addresses, email addresses, or telephone numbers.

To facilitate an efficient review of submissions, the Department of Justice encourages but does not require commenters to: (1) submit a short executive summary at the beginning of all comments; (2) provide supporting material, including empirical data, findings, and analysis in reports or studies by established organizations or research institutions; (3) consistent with the questions below, describe the relative benefits and costs of the approach contemplated in this ANPRM and any alternative approaches; and (4) refer to the numbered question(s) herein to which each comment is addressed.

The Department of Justice welcomes interested parties’ submissions of written comments discussing relevant experiences, information, and views. Parties wishing to supplement their written comments in a meeting may request to do so, and the Department of Justice may accommodate such requests as resources permit. Additionally, in consultation with other United States Government agencies, the Department of Justice expects to seek additional opportunities to engage in discussions with certain stakeholders, including foreign partners and allies.

#### FOR FURTHER INFORMATION CONTACT:

Email (preferred):

[NSD.FIRS.datasecurity@usdoj.gov](mailto:NSD.FIRS.datasecurity@usdoj.gov).

Otherwise, please contact: Lee Licata, Deputy Chief for National Security Data Risks, Foreign Investment Review Section, National Security Division, U.S. Department of Justice, 175 N Street NE, Washington, DC 20002; telephone: 202–514–8648.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On February 28, 2024, the President issued the Order pursuant to his authority under the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), and section 301 of title 3, United States Code. In the Order, the President expanded the scope of the national emergency declared in Executive Order 13873 of May 15, 2019 (Securing the Information and Communications Technology and Services Supply Chain), and further addressed with additional measures in Executive Order 14034 of June 9, 2021 (Protecting Americans’ Sensitive Data from Foreign Adversaries). The President determined that additional measures are necessary to counter the unusual and extraordinary threat to U.S. national security posed by the continuing efforts of certain countries of concern to access and exploit Americans’ bulk sensitive personal data and U.S. Government-related data (“government-related data”).

Unrestricted transfers of bulk sensitive personal data and government-related data to countries of concern, through commercial transactions or otherwise, present a range of threats to

U.S. national security and foreign policy. Countries of concern can use their access to Americans' bulk sensitive personal data to engage in malicious cyber-enabled activities and malign foreign influence, and to track and build profiles on U.S. individuals, including members of the military and Federal employees and contractors, for illicit purposes such as blackmail and espionage. Countries of concern can also use access to U.S. persons' bulk sensitive personal data to collect information on activists, academics, journalists, dissidents, political figures, or members of non-governmental organizations or marginalized communities in order to intimidate such persons; curb political opposition; limit freedoms of expression, peaceful assembly, or association; or enable other forms of suppression of civil liberties.

The Office of the Director of National Intelligence (ODNI) has made clear that "[o]ur adversaries increasingly view data as a strategic resource. They are focused on acquiring and analyzing data—from personally identifiable information on U.S. citizens to commercial and government data—that can make their espionage, influence, kinetic and cyber-attack operations more effective; advance their exploitation of the U.S. economy; and give them strategic advantage over the United States."<sup>1</sup> Advanced technologies—including big-data analytics, artificial intelligence ("AI"), high-performance computing, and other capabilities—increasingly enable countries of concern to exploit bulk amounts of Americans' sensitive personal data and government-related data to achieve these goals.

As ODNI has assessed, countries of concern are "increasing their ability to analyze and manipulate large quantities of personal information in ways that will allow them to more effectively target and influence, or coerce, individuals and groups in the United States and allied countries."<sup>2</sup> Countries of concern "almost certainly are already applying data-analysis techniques to hone their efforts against U.S. targets."<sup>3</sup>

For example, AI is making it easier to extract, re-identify, link, infer, and act on sensitive information about people's identities, locations, habits, and desires, as outlined in Executive Order 14110 of October 30, 2023 (Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence).<sup>4</sup> Likewise, as the National Counterintelligence and Security Center has explained, "[t]he combination of stolen [personally identifiable information], personal health information, and large [human] genomic data sets collected from abroad" gives countries of concern "vast opportunities to precisely target individuals in foreign governments, private industries, or other sectors for potential surveillance, manipulation, or extortion."<sup>5</sup> Moreover, access to bulk sensitive personal data can fuel the creation and refinement of AI, big-data, and other analytical capabilities, the development of which requires large amounts of human data—ultimately compounding the risks.

These risks are not merely hypothetical and have been tested. As a recent study has explained, for example, "[a]ggregated insights from location data" could be used to damage national security<sup>6</sup>—such as in 2018, when the publication of a global heatmap of users' location data collected by a popular fitness app enabled researchers to quickly identify and map the locations of military and government facilities and activities.<sup>7</sup> Similarly, in 2019, New York Times writers were able to combine a single set of bulk location data collected from cell phones and

bought and sold by location-data companies—which was anonymized and represented "just one slice of data, sourced from one company, focused on one city, covering less than one year"—with publicly available information to identify, track, and follow "military officials with security clearances as they drove home at night," "law enforcement officers as they took their kids to school," and "lawyers (and their guests) as they traveled from private jets to vacation properties."<sup>8</sup>

Countries of concern can also exploit access to government-related data, regardless of volume. As one report has explained, for example, tracking location data on individual military or government targets can "reveal sensitive locations—such as visits to a place of worship, a gambling venue, a health clinic, or a gay bar—which again could be used for profiling, coercion, blackmail, or other purposes," or could reveal "reputationally damaging lifestyle characteristics" that could be exploited, "such as infidelity."<sup>9</sup>

Accordingly, transactions that may enable countries of concern to access bulk amounts of Americans' sensitive personal data or government-related data, as defined by the Order, pose particular and unacceptable risks to national security and foreign policy. This risk of access to U.S. persons' bulk sensitive personal data and government-related data is not limited to transactions directly involving the governments of countries of concern. Persons who are owned by, controlled by, or subject to the jurisdiction or direction of a country of concern may enable the government of that country to indirectly access such data. For example, countries of concern may have cyber, national security, and intelligence laws that, without sufficient legal safeguards, can obligate such persons to provide that country's intelligence services access to U.S. persons' bulk sensitive personal data and government-related data.

Countries of concern can leverage their access to Americans' bulk sensitive personal data and government-related data to engage in a variety of nefarious activities, including malicious cyber-enabled activities, espionage, and blackmail. Countries of concern can exploit Americans' bulk sensitive personal data and government-related data to track and build profiles on U.S.

<sup>1</sup> Office of the Director of National Intelligence, *Annual Threat Assessment of the U.S. Intelligence Community* at 26 (Feb. 6, 2023), <https://www.odni.gov/files/ODNI/documents/assessments/ATA-2023-Unclassified-Report.pdf> [<https://perma.cc/4B2Y-7NVD>].

<sup>2</sup> National Intelligence Council, *Assessment: Cyber Operations Enabling Expansive Digital Authoritarianism* at 3 (Apr. 7, 2020) (declassified Oct. 5, 2022), <https://www.dni.gov/files/ODNI/documents/assessments/NICM-Declassified-Cyber-Operations-Enabling-Expansive-Digital-Authoritarianism-20200407--2022.pdf> [<https://perma.cc/ZKJ4-TBU6>].

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

<sup>4</sup> See also *id.* at 4–5 (explaining that China's "commercial access to personal data of other countries' citizens, along with AI-driven analytics," can "enable it to automate the identification of individuals and groups," and "China can draw on ample Western commercial models for large-scale algorithm-driven delivery of targeted content and behavior-shaping microincentives").

<sup>5</sup> National Counterintelligence and Security Center, *China's Collection of Genomic and Other Healthcare Data From America: Risks to Privacy and U.S. Economic and National Security* at 4 (Feb. 2021), [https://www.dni.gov/files/NCSC/documents/SafeguardingOurFuture/NCSC\\_China\\_Genomics\\_Fact\\_Sheet\\_2021revision20210203.pdf](https://www.dni.gov/files/NCSC/documents/SafeguardingOurFuture/NCSC_China_Genomics_Fact_Sheet_2021revision20210203.pdf) [<https://perma.cc/BL4H-WJSW>].

<sup>6</sup> Justin Sherman et al., *Data Brokers and the Sale of Data on U.S. Military Personnel* at 15 (Nov. 2023), <https://techpolicy.sanford.duke.edu/wp-content/uploads/sites/4/2023/11/Sherman-et-al-2023-Data-Brokers-and-the-Sale-of-Data-on-US-Military-Personnel.pdf> [<https://perma.cc/M9S8-MYAA>].

<sup>7</sup> E.g., Richard Pérez-Peña and Matthew Rosenberg, *Strava Fitness App Can Reveal Military Sites, Analysts Say*, *The New York Times* (Jan. 29, 2018), <https://www.nytimes.com/2018/01/29/world/middleeast/strava-heat-map.html> [<https://perma.cc/VZF9-X7LJ>]; Jeremy Hsu, *The Strava Heat Map and the End of Secrets*, *WIRED* (Jan. 29, 2018 7:14 p.m.), <https://www.wired.com/story/strava-heat-map-military-bases-fitness-trackers-privacy> [<https://perma.cc/B9KT-E75J>].

<sup>8</sup> Stuart A. Thompson and Charlie Warzel, *Twelve Million Phones, One Dataset, Zero Privacy*, *The New York Times* (Dec. 19, 2019), <https://www.nytimes.com/interactive/2019/12/19/opinion/location-tracking-cell-phone.html> [<https://perma.cc/X3VB-429P>].

<sup>9</sup> Sherman et al., *supra* note 6, at 15.



persons, including Federal employees and contractors, military servicemembers, and members of the Intelligence Community to support espionage operations and to identify and exploit vulnerabilities for malicious cyber activities. Countries of concern can also access U.S. persons' bulk sensitive personal data and government-related data to collect information on activists, academics, journalists, dissidents, political figures, and members of non-governmental organizations and marginalized communities to intimidate opponents of countries of concern, curb dissent, and limit Americans' freedom of expression and other civil liberties. The risks posed by access to Americans' bulk sensitive personal data and government-related data are exacerbated by AI and other data processing tools that exploit large datasets in increasingly sophisticated and effective ways to the detriment of U.S. national security. These tools, and the access to Americans' bulk sensitive personal data and government-related data upon which the tools rely, enable countries of concern to target U.S. persons more effectively by recognizing patterns across multiple, unrelated datasets to identify individuals whose links to, for example, the Federal Government, would be otherwise obscured in a single database.

As the President affirmed in the Order, the United States remains committed to promoting an open, global, interoperable, reliable, and secure internet; promoting open, responsible scientific collaboration to drive innovation; protecting human rights online and offline; supporting a vibrant, global economy by promoting cross-border data flows to enable international commerce and trade; and facilitating open investment. Accordingly, the Order authorizes the Attorney General to take specific, carefully calibrated actions to minimize the risks associated with access to Americans' bulk sensitive personal data and government-related data by countries of concern and persons that are "owned by, controlled by, or subject to the jurisdiction or direction of" countries of concern, while minimizing disruption to commercial activity. For example, the Order exempts certain classes of transactions that are less likely to pose these unacceptable national-security risks, including financial-services transactions, and authorizes the Attorney General to exempt additional classes of transactions. Also consistent with the Order, this ANPRM does not propose generalized data-localization

requirements either to store Americans' bulk sensitive personal data or government-related data within the United States or to locate computing facilities used to process Americans' bulk sensitive personal data or government-related data within the United States. Nor does it seek to broadly prohibit U.S. persons from conducting commercial transactions with entities and individuals located in countries of concern or impose measures aimed at a broader decoupling of the substantial consumer, economic, scientific, and trade relationships that the United States has with other countries. This carefully calibrated action instead reflects the U.S. Government's longstanding support for the concept of "Data Free Flow with Trust," in recognition of its importance to the economy and human rights online.

The Order has two primary components relevant to this ANPRM. First, it directs the Attorney General, in coordination with the Secretary of Homeland Security and in consultation with the relevant agencies, to issue regulations identifying for prohibition specific classes of transactions that may enable access by countries of concern or covered persons to defined categories of Americans' bulk sensitive personal data or government-related data, and that the Attorney General determines pose an unacceptable risk to U.S. national security and foreign policy. Second, it instructs the Attorney General, in coordination with the Secretary of Homeland Security and in consultation with the relevant agencies, to issue regulations identifying specific classes of transactions that will be required to comply with security requirements, to be established by the Secretary of Homeland Security through the Director of the Cybersecurity and Infrastructure Security Agency, that mitigate the risks of access to Americans' bulk sensitive personal data or government-related data by countries of concern. As previewed in this ANPRM, the security requirements could include (1) organizational requirements (*e.g.*, basic organizational cybersecurity posture), (2) transaction requirements (*e.g.*, data minimization and masking, use of privacy-preserving technologies, requirements for information-technology systems to prevent unauthorized disclosure, and logical and physical access controls), and (3) compliance requirements (*e.g.*, audits).<sup>10</sup>

<sup>10</sup> The Order contains other provisions, which are not directly relevant to this ANPRM, to enhance existing authorities to address data-security risks,

## II. Program Overview

The Department of Justice is considering implementing the Order through categorical rules that regulate certain data transactions involving bulk U.S. sensitive personal data and government-related data that present an unacceptable risk to U.S. national security, pursuant to section 2(c) of the Order. To that end, the Department of Justice is considering establishing a program that would (1) identify certain classes of highly sensitive transactions that would be prohibited in their entirety ("prohibited transactions"), and (2) identify other classes of transactions that would be prohibited except to the extent they comply with predefined security requirements ("restricted transactions") to mitigate the risk of access to bulk sensitive personal data by countries of concern.

Under this framework, the Department of Justice would establish the program by issuing proposed rulemakings in tranches based on priority, including the limits of current authorities, and effective administration of the program. This ANPRM takes the foundational steps by seeking the input needed to establish the structure of the program, including, as described in section 2(c) of the Order, identifying classes of prohibited and restricted transactions that pose an unacceptable risk to national security, defining relevant terms, identifying countries of concern, creating processes for administrative licensing and entity designations, and establishing a compliance and enforcement regime. This ANPRM is focused on identifying discrete classes of prohibited transactions that raise the highest national-security risks, focusing on data transactions between U.S. persons and countries of concern (or persons subject to their ownership, control, jurisdiction, or direction where the transaction involves property in which a foreign country or national thereof has an interest) that pose direct risks. As contemplated by this ANPRM, the rulemaking would target only transactions between a U.S. person and a country of concern (or person subject to its ownership, control, jurisdiction, or

including directing the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector to take certain actions with respect to submarine cables; instructing the Secretaries of Defense, Health and Human Services, and Veterans Affairs, and the Director of the National Science Foundation, to consider taking certain steps regarding the provision of Federal assistance; and encouraging the Consumer Financial Protection Bureau to take consider taking steps to address the role that data brokers play in contributing to the national-security risks.

direction), with one discrete exception described below. The program would not regulate purely domestic transactions between U.S. persons (who are not otherwise designated as covered persons acting on behalf of a country of concern), such as the collection, maintenance, processing, or use of data by U.S. persons within the United States.

Section 2(f) of the Order authorizes the Department of Justice to engage in subsequent rulemakings to tailor the regulatory program to the national-security risks identified in the Order, and to the costs and benefits of administering and complying with the regulatory program. Where practical, the proposed program, its structure, and definitions would be modeled on existing regulations based on IEEPA that are generally familiar to the public, such as those administered by the United States Department of the Treasury's Office of Foreign Assets Control (OFAC) and the United States Department of Commerce's Bureau of Industry and Security (BIS).

Under section 2(a)(ii) of the Order, the Attorney General is authorized to determine and identify classes of transactions that "pose an unacceptable risk to the national security of the United States because the transactions may enable countries of concern or covered persons to access bulk sensitive personal data or United States Government-related data." Specifically, the Department of Justice is considering identifying two classes of prohibited data transactions between U.S. persons and countries of concern (or covered persons) to address critical risk areas involving bulk U.S. sensitive personal data or government-related data: (1) data-brokerage transactions; and (2) any transaction that provides a country of concern or covered person with access to bulk human genomic data (a subcategory of human 'omic data) or human biospecimens from which that human genomic data can be derived. These classes of prohibited data transactions are not directly regulated under existing Federal authorities, and these types of transactions necessarily provide access to bulk sensitive personal data or government-related data directly to countries of concern or persons subject to their ownership, control, jurisdiction, or direction.

The Department of Justice is also considering identifying three classes of restricted data transactions to address critical risk areas to the extent they involve countries of concern or covered persons and bulk U.S. sensitive personal data: (1) vendor agreements (including, among other types, agreements for

technology services and cloud-service agreements), (2) employment agreements, and (3) investment agreements. These classes of restricted transactions represent significant means through which countries of concern can access bulk U.S. sensitive personal data or government-related data, but the national-security risks associated with these transactions can be mitigated through appropriate security-related conditions.

The program would cover transactions involving six defined categories of bulk U.S. sensitive personal data—U.S. persons' covered personal identifiers, personal financial data, personal health data, precise geolocation data, biometric identifiers, and human genomic data—and combinations of those categories, as laid out in the Order and defined below. These categories would be clearly defined and, for covered personal identifiers, significantly narrower than the broad categories of material typically implicated by privacy-focused regulatory regimes.

In addition to addressing data transactions involving bulk U.S. sensitive personal data, and as also laid out in the Order, the program would also address the heightened national-security risks posed by U.S. persons' transactions with countries of concern (or covered persons) and two kinds of government-related data regardless of volume: (1) geolocation data in listed geofenced areas associated with certain military, other government, and other sensitive facilities (which could threaten national security by revealing information about those locations and U.S. persons associated with them), and (2) sensitive personal data that is marketed as linked or linkable to current or recent former employees or contractors, or former senior officials, of the U.S. government, including the military and Intelligence Community.

Consistent with the Order, the program would be implemented as a carefully calibrated national-security authority to address specific national security threats, including counterintelligence threats, posed by data-security risks to U.S. persons and government-related data. The program is not intended as a commercial regulation of all cross-border data flows between the United States and our foreign partners, or as a comprehensive program to regulate Americans' data privacy. Also consistent with the Order, the Department of Justice intends to implement the program consistent with longstanding U.S. policy to promote trusted cross-border data transfers among partners that respect democratic

values and the rule of law, as the program would address only the national-security risks posed by countries of concern because of their potential to target and misuse Americans' sensitive personal data.

Importantly, the program is also not intended to impede all U.S. persons' data transactions with countries of concern or persons subject to their jurisdiction. The program, under the rulemaking under consideration, would prohibit or restrict specific classes of data transactions between U.S. persons and countries of concern (or persons subject to their ownership, control, jurisdiction, or direction) that involve either (1) specific categories of sensitive personal data above certain bulk-volume thresholds or (2) specific categories of government-related data regardless of volume. The program under consideration would also identify classes of exempt data transactions and would provide a process for the Department of Justice to issue general and specific licenses using procedures that are generally familiar to the public.

The Department of Justice does not contemplate that the program will rely on case-by-case review of individual data transactions. Rather, the Department of Justice will affirmatively identify classes of prohibited and restricted data transactions. Importantly, the Department of Justice believes that a categorical approach provides bright-line rules to data-transaction parties. The program would not apply retroactively (before the effective date of the final rule). However, the Department of Justice may, after the effective date of the regulations, request information about transactions by United States persons that were completed or agreed to after the date of the issuance of the Order to better inform the development and implementation of the program.

### III. Issues for Comment

The Department of Justice welcomes comments and views from a wide range of stakeholders on all aspects of how the Attorney General should implement this new program under the Order. The Department of Justice is particularly interested in obtaining information on the topics discussed below. This ANPRM does not necessarily identify the full scope of potential approaches the Department of Justice might ultimately undertake in regulations to implement the Order.

#### A. Overview

The Order frames the key terms that will be developed through rulemaking. Under the rules that the Department of Justice is considering, *U.S. persons*

would be prohibited from engaging in classes of *covered data transactions*, which (as further defined below) have been determined by the Attorney General to pose an unacceptable risk to the national security of the United States because these classes of *covered data transactions* may enable *countries of concern* or *covered persons* to access *bulk U.S. sensitive personal data* or *government-related data*. Some otherwise-prohibited *covered data transactions* may be restricted and be permitted to proceed only subject to certain conditions, including *security requirements* published by the Department of Homeland Security in coordination with the Department of Justice. Prohibited or restricted *covered data transactions* may also be permitted to proceed based on applicable general or specific licenses. None of the program's requirements would apply to a *U.S. person* engaged in an exempt data transaction.

Definitions under consideration for these and related terms are italicized and discussed below, along with questions on which the Department of Justice seeks comment.

#### B. Bulk U.S Sensitive Personal Data

The Order authorizes the Attorney General to prohibit or otherwise restrict United States persons from engaging in any transaction where the transaction involves bulk sensitive personal data and meets other criteria specified in section 2(a) of the Order. The Order defines "bulk" as "an amount of sensitive personal data that meets or exceeds a threshold over a set period of time, as specified in regulations issued by the Attorney General pursuant to section 2 of th[e] order." The Order also defines "sensitive personal data" as "covered personal identifiers, geolocation and related sensor data, biometric identifiers, human 'omic data, personal health data, personal financial data, or any combination thereof," as further defined in final rules implementing the Order, "that could be exploited by a country of concern to harm United States national security if that data is linked or linkable to any identifiable United States individual or to a discrete and identifiable group of United States individuals." The Department of Justice is considering elaborating on and providing greater detail to the Order's definitions of "sensitive personal data" and "bulk."

*Sensitive personal data.* The Department of Justice is considering further defining each of the six categories of *sensitive personal data* identified in the Order as follows:

1. *Covered personal identifiers.* The Order defines "covered personal identifiers" as "specifically listed classes of personally identifiable data that are reasonably linked to an individual, and that—whether in combination with each other, with other sensitive personal data, or with other data that is disclosed by a transacting party pursuant to the transaction and that makes the personally identifiable data exploitable by a country of concern—could be used to identify an individual from a data set or link data across multiple data sets to an individual." The Department is considering further defining the term *covered personal identifiers* as follows.

1(a). With respect to the subcategory of listed classes of personally identifiable data "in combination with each other," the term *covered personal identifiers* would mean any *listed identifier* that is *linked* to any other *listed identifier*, except:

(a) The term *covered personal identifiers* does not include demographic or contact data that is *linked* only to other demographic or contact data; and

(b) The term *covered personal identifiers* does not include a network-based identifier, account-authentication data, or call-detail data that is *linked* only to other network-based identifier, account-authentication data, or call-detail data as necessary for the provision of telecommunications, networking, or similar services.

*Listed identifiers* would include the following classes of data determined by the regulations to be "reasonably linked to an individual" under the Order's definition of "covered personal identifiers." The final rule will include a comprehensive list of *listed identifiers*.

- Full or truncated government identification or account number (such as a Social Security Number, driver's license or state identification number, passport number, or Alien Registration Number)
- Full financial account numbers or personal identification numbers associated with a financial institution or financial-services company
- Device-based or hardware-based identifier (such as International Mobile Equipment Identity (IMEI), Media Access Control (MAC) address, or Subscriber Identity Module (SIM) card number)
- Demographic or contact data (such as first and last name, birth date, birthplace, zip code, residential street or postal address, phone number, and email address and similar public account identifiers)
- Advertising identifier (such as Google Advertising ID, Apple ID for

Advertisers, or other Mobile Advertising ID (MAID))

- Account-authentication data (such as account username, account password, or an answer to security questions)
- Network-based identifier (such as internet Protocol (IP) address or cookie data)
- Call-detail data (such as Customer Proprietary Network Information (CPNI))

Under this definition, the term *covered personal identifiers* would be much narrower than the categories of material typically covered by laws and policies aimed generally at protecting personal privacy.<sup>11</sup> It would not include any combinations of types of data that are not expressly listed. For example, this definition of *covered personal identifiers* would not include an individual's:

- Employment history;
- Educational history;
- Organizational memberships;
- Criminal history; or
- Web-browsing history.

For purposes of defining *covered personal identifiers* only, the Department of Justice is considering defining identifiers as *linked* when the identifiers involved in a single *covered data transaction*, or in multiple *covered data transactions* or a course of dealing between the same or related parties, are capable of being associated with the same specific person(s). Identifiers would not be considered *linked* when additional identifiers or data not involved in the relevant *covered data transaction(s)* would be necessary to associate the identifiers with the same specific person(s). For example, if a *U.S. person* transferred two *listed identifiers* in a single spreadsheet—such as a list of names of individuals and associated MAC addresses for those individuals' devices—the names and MAC addresses would be considered *linked*. The same would be true if the names and MAC addresses were transferred to two related parties in two different *covered data transactions*, provided that the receiving parties were capable of determining which names corresponded to which MAC addresses. On the other hand, a standalone list of MAC

<sup>11</sup> Cf., e.g., California Consumer Privacy Act of 2018, Cal. Civ. Code section 1798.140(v)(1) (defining "personal information" in the context of a generalized privacy-focused regime); Regulation (EU) 2016/679 of the European Parliament and of the Council, "On the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC" (General Data Protection Regulation), art. 4(1) (27 April 2016) (defining "personal data" in the context of a generalized data privacy regime).

addresses, without any additional *listed identifiers*, would not be *covered personal identifiers*. That standalone list of MAC addresses would not become *covered personal identifiers* even if the receiving party is capable of obtaining separate sets of other *listed identifiers* or *sensitive personal data* through separate *covered data transactions* with unaffiliated parties that would ultimately permit the association of the MAC addresses to specific persons. The MAC addresses would not be considered *linked* to those separate sets of other *listed identifiers* or *sensitive personal data*.

The Department of Justice currently intends the category of *covered personal identifiers* to apply as follows:

- *Example 1.* A standalone *listed identifier* in isolation (i.e., that is not *linked* to another *listed identifier*, *sensitive personal data*, or other data that is disclosed by a transacting party pursuant to the transaction that makes the personally identifiable data exploitable by a country of concern)—such as a data set of only Social Security Numbers or only account usernames—would not constitute *covered personal identifiers*.

- *Example 2.* A *listed identifier linked* to another *listed identifier*—such as a data set of first and last names linked to Social Security Numbers, driver's license numbers linked to passport numbers, device MAC addresses linked to residential addresses, account usernames linked to first and last names, or mobile advertising IDs linked to email addresses—would constitute *covered personal identifiers*.

- *Example 3.* Demographic or contact data *linked* only to other demographic or contact data—such as a data set linking first and last names to residential street addresses, email addresses to first and last names, or customer loyalty membership records linking first and last names to phone numbers—would not constitute *covered personal identifiers*.

- *Example 4.* Demographic or contact data *linked* to other demographic or contact data and to another *listed identifier*—such as a data set linking first and last names to email addresses and to IP addresses—would constitute *covered personal identifiers*.

- *Example 5.* Account usernames *linked* to passwords as part of a sale of a data set would constitute *covered personal identifiers*. Those types of account-authentication data are not linked as part of the provision of telecommunications, networking, or similar services.

1(b). With respect to the subcategory of listed classes of personally identifiable data “in combination . . . with other sensitive personal data,” the Department is considering treating these combinations as *combined data* subject to the lowest bulk threshold applicable to the categories of data present, as separately discussed below with respect to the definition of the term *bulk U.S. sensitive personal data*.

1(c). With respect to the subcategory of listed classes of personally identifiable data “in combination . . . with other data that is disclosed by a transacting party pursuant to the transaction that makes the personally identifiable data exploitable by a country of concern,” the Department does not intend to impose an obligation on transacting parties to independently determine whether particular combinations of data would be “exploitable by a country of concern”; rather, the Department intends to identify specific classes of data that, when combined, would satisfy this standard. The Department seeks comment on other ways in which it can further define this subcategory. As context, the Department intends this subcategory to apply to scenarios such as the following:

- *Example 6.* A foreign person who is a *covered person* asks a U.S. company for a list of MAC addresses from devices that have connected to the wireless network of a U.S. fast-food restaurant located in a particular government building. The U.S. company then sells the list of MAC addresses, without any other *listed identifiers* or *sensitive personal data*, to the *covered person*. The data disclosed by the *covered person's* inquiry for MAC addresses from “devices that have connected to the wireless network of a U.S. fast-food restaurant located in a particular government building” makes the list of MAC addresses exploitable by a *country of concern*.

- *Example 7.* A U.S. company sells to a *country of concern* a list of full names that the company describes (in a heading in the list or to the *country of concern* as part of the transaction) as “members of a *country of concern's* opposition political party in New York City,” or as “active-duty LGBTQ+ military officers” without any other *listed identifiers* or *sensitive personal data*. The data disclosed by the U.S. company's description of the list of names as “members of a *country of concern's* opposition political party in New York City” or “active-duty LGBTQ+ military officers” makes the list of names exploitable by a *country of concern*.

By contrast, the Department does not intend this subcategory to apply to scenarios such as the following:

- *Example 8.* A *covered person* asks a U.S. company for a bulk list of birth dates for “any American who visited a Starbucks in Washington, DC in December 2023.” The U.S. company then sells the list of birth dates, without any other *listed identifiers* or *sensitive personal data*, to the *covered person*.

- *Example 9.* A U.S. company sells to a *covered person* a list of full names that the company describes (in a heading in the list or to the *covered person* as part of the transaction) as “Americans who watched more than 50% of episodes” of a popular TV show, without any other *listed identifiers* or *sensitive personal data*.

2. *Geolocation and related sensor data.* The Department of Justice currently intends for its first rulemaking to regulate *covered data transactions* involving geolocation and related sensor data only to the extent that such *transactions* involve *precise geolocation data*. *Precise geolocation data* would mean data, whether real-time or historical, that identifies the physical location of an individual or a device with a precision of within [number of meters/feet] based on electronic signals or inertial sensing units.

3. *Biometric identifiers.* The term *biometric identifiers* means measurable physical characteristics or behaviors used to recognize or verify the identity of an individual, including facial images, voice prints and patterns, retina and iris scans, palm prints and fingerprints, gait, and keyboard usage patterns that are enrolled in a biometric system and the templates created by the system.

4. *Human ‘omic data.* The Department of Justice currently intends for its first rulemaking to regulate *covered data transactions* involving human ‘omic data only to the extent that such *transactions* involve *human genomic data*. The term *human genomic data* means data representing the nucleic acid sequences that comprise the entire set or a subset of the genetic instructions found in a human cell, including the result or results of an individual's “genetic test” (as defined in 42 U.S.C. 300gg–91(d)(17)) and any related human genetic sequencing data.

5. *Personal health data.* The term *personal health data* means “individually identifiable health information” (as defined in 42 U.S.C. 1302d(6) and 45 CFR 160.103), regardless of whether such information is collected by a “covered entity” or “business associate” (as defined in 45 CFR 160.103).

6. *Personal financial data*. The term *personal financial data* means data about an individual's credit, charge, or debit card, or bank account, including purchases and payment history; data in a bank, credit, or other financial statement, including assets, liabilities and debts, and transactions; or data in a credit or "consumer report" (as defined under 15 U.S.C. 1681a).

With respect to the definition of the term *sensitive personal data*, the Department of Justice is considering or further defining categorical exclusions to the extent that data consists of:

i. Public or nonpublic data that does not relate to an individual, including such data that meets the definition of a "trade secret" (as defined in 18 U.S.C. 1839(3)) or "proprietary information" (as defined in 50 U.S.C. 1708(d)(7));

ii. Data that is lawfully available to the public from a Federal, State, or local government record or in widely distributed media (such as court records or other sources that are generally available to the public through unrestricted and open-access repositories);

iii. Personal communications that do not transfer anything of value (see 50 U.S.C. 1702(b)(1)); or

iv. *Information or informational materials* (see 50 U.S.C. 1702(b)(3)), which would be defined further in the regulations. The

Department of Justice anticipates interpreting the phrase "*information or informational materials*" as including expressive information, like videos and artwork, and excluding non-expressive data, consistent with the speech-protective purpose of 50 U.S.C. 1702(b)(3).

*Bulk thresholds*. The program would establish volume-based thresholds for each category of *sensitive personal data* and for combined datasets. The Department of Justice is considering the following approach to determine the bulk thresholds.

To the maximum extent feasible, the bulk thresholds would be set based on a risk-based assessment that examines threat, vulnerabilities, and consequences as components of risk. In the context of the bulk thresholds, a risk-based assessment would account for the characteristics of datasets that affect the data's vulnerability to exploitation by countries of concern and that affect the consequences of exploitation. These characteristics may include both human-centric characteristics (which describe a data set in terms of its potential value to a human analyst) and machine-centric characteristics (which describe how easily a data set could be processed by

a computer system). The framework's human-centric characteristics may include how many individuals a data set covers (size), how the data could be used (purpose), how easy it is to deliberately change the data (changeability), who tracks and manages the data (control), and how easy the data is to obtain (availability). The framework's machine-centric characteristics may include the number of data points in a dataset (volume), how quickly the dataset evolves (velocity), how specifically a data set targets a sensitive group (correlation), and how much processing is required to use the data (quality). Applying this style of framework would allow for a particularized assessment of the relative sensitivity of each of the six categories of *sensitive personal data* and would inform the volume threshold applicable to each category.

Based on a preliminary risk assessment, the Department of Justice, in consultation with other agencies, is considering adopting bulk thresholds within the following ranges, and would welcome additional analysis about the costs and benefits of specific thresholds for each category:

Human genomic data	Biometrics identifiers	Precise geolocation data	Personal health data	Personal financial data	Covered personal identifiers
Low: More than 100 U.S. persons.	More than 100 U.S. persons (for biometric identifiers) or U.S. devices (for precise geolocation data).		More than 1,000 U.S. persons.		More than 10,000 U.S. persons.
High: More than 1,000 U.S. persons.	More than 10,000 U.S. persons (for biometric identifiers) or U.S. devices (for precise geolocation data).		More than 1,000,000 U.S. persons.		More than 1,000,000 U.S. persons.

The Department of Justice proposes to operationalize these bulk thresholds as follows:

The term *bulk U.S. sensitive personal data* means a collection or set of data relating to U.S. persons, in any format, regardless of whether the data is anonymized, pseudonymized, de-identified, or encrypted and that includes, at any point in the preceding twelve months, whether through a single *covered data transaction* or aggregated across *covered data transactions* involving the same *foreign person* or *covered person*:

(i) *Human genomic data* collected or maintained on more than [number of] U.S. persons;

(ii) *Biometric identifiers* collected or maintained on more than [number of] U.S. persons;

(iii) *Precise geolocation data* collected or maintained on more than [number of] U.S. devices;

(iv) *Personal health data* collected or maintained on more than [number of] U.S. persons;

(v) *Personal financial data* collected or maintained on more than [number of] U.S. persons;

(vi) *Covered personal identifiers* collected or maintained on more than [number of] U.S. persons; or

(vii) *Combined data*, meaning any collection or set of data that contains more than one of categories (i) through (vi), or that contains any *listed identifier* linked to categories (i) through (v), that meets the threshold number of persons or devices collected or maintained in the aggregate for the lowest number of U.S. persons or U.S. devices in any category of data present.

The ANPRM seeks comment on this topic, including:

1. In what ways, if any, should the Department of Justice elaborate or amend the definition of *bulk U.S. sensitive personal data*? If the definition should be elaborated or amended, why?

2. Should the Department of Justice treat data that is anonymized, pseudonymized, de-identified, or encrypted differently? If so, why?

3. Should the Department of Justice consider amending the definitions applicable to any of the six categories of *sensitive personal data*? If the definition should be elaborated or amended, why?

4. Are there categories of *bulk U.S. sensitive personal data* that should be added to the definition? Are there categories proposed that should be removed? Please explain.

5. The Executive order directs a report and recommendation assessing the risks and benefits of regulating transactions involving other specified types of human 'omic data. Should data *transactions* involving these other types of human 'omic data be regulated? If so, which types of human 'omic data? What risks, scientific value, and economic costs should be considered?

6. What, if any, possible unintended consequences could result from the definition (including the bulk thresholds) under consideration? In particular, to what extent would the approach contemplated here affect individuals' rights to share their own biospecimens and health, genomic, and other data?

7. What thresholds for datasets should apply with respect to each category of *bulk U.S. sensitive personal data* under consideration, and why is each such threshold appropriate? Should any category of *sensitive personal data* (e.g., *covered personal identifiers*) have different thresholds for different subtypes or specific fields of data based on sensitivity, purpose, correlation, or other factors?

8. Are there other factors or characteristics that the Department of Justice should evaluate as part of the proposed analytical framework for determining the bulk thresholds?

9. What data points, specific use cases, or other information should the Department of Justice consider in determining the bulk thresholds for *bulk U.S. sensitive personal data*?

10. At what level should the Department of Justice set the precision (i.e., numbers of meters/feet) in defining *precise geolocation data*? What are common commercial applications of geolocation data, and what level of precision is required to support those applications? When geolocation data is “fuzzed” in some commercial applications to reduce potential privacy impacts, what are common techniques for “fuzzing” the data, what is the resulting reduction in the level of precision, and how effective are those techniques in reducing the sensitivity of the data? To what extent should the definition be informed by the level of precision for geolocation data used in certain state data-privacy laws, such as a radius of 1,850 feet (see, e.g., Cal. Civ. Code section 1798.140(w)) or a radius of 1,750 feet (see, e.g., Utah Civ. Code section 13–61–101(33(a)))?

11. Should the Department of Justice consider changing any of the categorical exclusions to the definition of *sensitive personal data*? How should the program define the exclusion for data that is lawfully a matter of public record, particularly in light of data that is scraped from the internet or data points that are themselves public but whose linkage to the same individual is not public? What types of data are generally available to the public through open-access repositories?

12. How do businesses use each category of *sensitive personal data*, particularly in the cross-border context, and how would the ranges of bulk thresholds under consideration affect businesses’ ability to engage in data transactions with *countries of concern* or *covered persons*?

13. Should the classes of *listed identifiers*, such as for government identification numbers and financial account numbers, include truncated versions of the full numbers? If so, how should “truncated” be defined?

14. With respect to defining *linked* for purposes of *covered personal identifiers*, should the Department of Justice consider placing a time limit on when *listed identifiers* would be considered *linked* to address a scenario in which, for example, a *U.S. person* sells a bulk list of names to a *covered person* on day one (which would not be a *covered data transaction*) and then sells a list of Social Security Numbers associated with those names years later? Would the lack of

such a time limit require or encourage U.S. companies, such as data brokers, to retain *sensitive personal data* that they would otherwise purge in the normal course of business?

15. With respect to defining the term *covered personal identifiers*, how should the Department define the subcategory of listed classes of personally identifiable data “in combination . . . with other data that is disclosed by a transacting party pursuant to the transaction that makes the personally identifiable data exploitable by a country of concern”?

16. How should the Department define *information or informational materials*? What factors should the Department take into account in its definition? What relevant precedents from other IEEPA-based programs should the Department take into account when defining the term?

### C. Government-Related Data

In addition to authorizing the Attorney General to address the national-security risks posed by transactions involving bulk sensitive personal data, the Order also authorizes the Attorney General to prohibit or otherwise restrict U.S. persons from engaging in certain transactions involving government-related data regardless of volume. The Order defines the term “United States Government-related data” as sensitive personal data that, regardless of volume, the Attorney General determines poses a heightened risk of being exploited by a country of concern to harm United States national security and that (1) a transacting party identifies as being linked or linkable to categories of current or recent former employees or contractors, or former senior officials, of the Federal Government, including the military, as specified in regulations issued by the Attorney General pursuant to section 2 of the order; (2) is linked to categories of data that could be used to identify current or recent former employees or contractors, or former senior officials, of the Federal Government, including the military, as specified in regulations issued by the Attorney General pursuant to section 2 of the order; or (3) is linked or linkable to certain sensitive locations, the geographical areas of which will be specified publicly, that are controlled by the Federal Government, including the military.

The Department of Justice is considering further defining the term *government-related data* to include two data categories: (1) any *precise geolocation data*, regardless of volume, for any location within any area enumerated on a list of specific geofenced areas associated with military, other government, or other sensitive facilities or locations (the *Government-Related Location Data*

*List*), or (2) any *sensitive personal data*, regardless of volume, that a transacting party markets as linked or linkable to current or recent former employees or contractors, or former senior officials, of the U.S. government, including the military and Intelligence Community.

With respect to the location subcategory, the *Government-Related Location Data List* would be created through an interagency process in which each agency identifies any geofenced areas relative to its equities for inclusion on the list, and DOJ would maintain and publish the list.

The Department of Justice currently intends the personnel subcategory to apply to scenarios such as the following:

- *Example 10.* A U.S. company advertises the sale of a set of *sensitive personal data* as belonging to “active duty” personnel, “military personnel who like to read,” “DoD” personnel, “government employees,” or “communities that are heavily connected to a nearby military base.”

- *Example 11.* In discussing the sale of a set of *sensitive personal data* with a foreign counterparty, a U.S. company describes the data set as belonging to members of a specific organization, which restricts membership to current and former members of the military and their families.

The ANPRM seeks comment on this topic, including:

17. In what ways, if any, should the Department of Justice elaborate or amend the definition of *government-related data*, including with respect to “recent former” employees or contractors, and “former senior officials”?

18. Are there categories of *government-related data* that should be added to the definition? Are there categories proposed that should be removed? Please explain.

19. How should the Department of Justice define data that is “marketed as linked or linkable” to current or recent former employees or contractors, or former senior officials, of the U.S. Government (including the military or Intelligence Community)? What are the current industry practices?

20. How would the contemplated definitions of *bulk sensitive personal data* and *government-related data* affect health and related research activities, such as genomic research on deceased U.S. persons who were former senior U.S. officials or recent former employees or contractors? To what extent do such activities involve *covered data transactions* with *countries of concern* or *covered persons* that would be prohibited or regulated under this program? Should the Department of Justice consider a general license for such activities, and if so, what should the parameters be for such a license?

21. What, if any, possible unintended consequences could result from the definition of *government-related data* under consideration?

#### D. Covered Data Transactions

The Order authorizes the Attorney General to prohibit or otherwise restrict United States persons from engaging in transactions meeting several criteria and requires the Attorney General to identify classes of transactions subject to those prohibitions or restrictions. With respect to defining what would constitute a *covered data transaction*, the Department of Justice proposes to carefully tailor the program to achieve the Order's intent and effect. Consequently, the Department of Justice is considering adopting the following definitions relevant to the concept of a *covered data transaction*. A *transaction* is any acquisition, holding, use, transfer, transportation, exportation of, or dealing in any property in which a foreign country or national thereof has an interest. A *covered data transaction* is any *transaction* that involves any bulk U.S. sensitive personal data or government-related data and that involves: (1) data brokerage; (2) a vendor agreement; (3) an employment agreement; or (4) an investment agreement.

Under this definition of *covered data transactions* and the definition of *access* below (which includes both actual, as well as "the ability to" exercise, physical or logical access), prohibited *transactions* would be those *covered data transactions* that are categorically determined to pose an unacceptable risk to national security because they may enable *countries of concern* or *covered persons* to access bulk U.S. sensitive personal data or government-related data. Likewise, under these definitions, restricted *transactions* would be those *covered data transactions* that are categorically determined to pose an unacceptable risk to national security because they may enable *countries of concern* or *covered persons* to access bulk U.S. sensitive personal data or government-related data unless the security requirements are implemented. The program would take a categorical approach to regulating *covered data transactions*; it would not rely on transacting parties or the government to determine whether specific *covered data transactions* within the classes of prohibited and restricted *transactions* individually pose unacceptable risks of access.

**Basic terms.** The Department of Justice is considering defining the term *access* to mean "logical or physical access, including the ability to obtain, read, copy, decrypt, edit, divert, release, affect, alter the state of, or otherwise view or receive, in any form, including through information-technology

systems, cloud-computing platforms, networks, security systems, equipment, or software." The Department of Justice is considering defining the term *U.S. device* to mean "any device that is linked or linkable to a *U.S. person*." The Department of Justice is also considering defining the terms *entity*, *foreign person*, *person*, and *U.S. person* as follows, consistent with the definitions of those terms in other IEEPA-based regulations, including those contained in relevant sections of title 31 of the Code of Federal Regulations:

The term *entity* means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.

The term *foreign person* means any person that is not a *U.S. person*. (For clarity, a foreign branch of a U.S. company would generally be treated the same as the U.S. company itself—as a *U.S. person*, not a *foreign person*.)

The term *person* means an individual or *entity*.

The term *U.S. person* means any United States citizen, national, or lawful permanent resident; or any individual admitted to the United States as a refugee under 8 U.S.C. 1157 or granted asylum under 8 U.S.C. 1158; or any *entity* organized solely under the laws of the United States or any jurisdiction within the United States (including foreign branches); or any *person* in the United States.

- **Example 12.** An individual is a citizen of a *country of concern* and is in the United States. The individual is a *U.S. person*.

- **Example 13.** An individual is a U.S. citizen. The individual is a *U.S. person*, regardless of location.

- **Example 14.** An individual is a dual citizen of the United States and a *country of concern*. The individual is a *U.S. person*, regardless of location.

- **Example 15.** An individual is a citizen of a *country of concern*, is not a permanent resident alien of the United States, and is outside the United States. The individual is a *foreign person*.

**Data brokerage.** The program would define *data brokerage* as the sale of, licensing of access to, or similar commercial *transactions* involving the transfer of data from any *person* (the provider) to any other *person* (the recipient), where the recipient did not collect or process the data directly from the individuals linked or linkable to the collected or processed data. The Department of Justice currently intends *data brokerage* to apply to scenarios such as the following:

- **Example 16.** A U.S. company sells bulk U.S. sensitive personal data to an *entity* headquartered in a *country of concern*.

- **Example 17.** A U.S. company enters into an agreement that gives a *covered person* a license to access government-related data held by the U.S. company.

- **Example 18.** A U.S. organization maintains a database of bulk U.S. sensitive personal data and offers annual memberships for a fee that provide members a license to access that data. Providing an annual membership to a *covered person* would constitute a prohibited *data brokerage*.

**Vendor agreement.** The contemplated program would define a *vendor agreement* as any agreement or arrangement, other than an *employment agreement*, in which any *person* provides goods or services to another *person*, including cloud-computing services, in exchange for payment or other consideration. *Cloud-computing services* would be defined as services related to the provision or use of "cloud computing," including "Infrastructure-as-a-Service (IaaS)," "Platform-as-a-Service (PaaS)," and "Software-as-a-Service (SaaS)" (as those terms are defined in NIST Special Publication 800–145). The Department of Justice currently intends *vendor agreements* to apply to scenarios such as the following:

- **Example 19.** A U.S. company collects bulk precise geolocation data from U.S. users through an app. The U.S. company enters into an agreement with a company headquartered in a *country of concern* to process and store this data.

- **Example 20.** A medical facility in the United States contracts with a company headquartered in a *country of concern* to provide IT-related services. The medical facility has bulk personal health data on its U.S. patients. The IT services provided under the contract involve access to the medical facility's systems containing the bulk personal health data.

- **Example 21.** A U.S. company, which is owned by an *entity* headquartered in a *country of concern* and has been designated a *covered person*, establishes a new data center in the United States to offer managed services. The U.S. company's data center serves as a vendor to various U.S. companies to store bulk U.S. sensitive personal data collected by those companies.

- **Example 22.** A U.S. company develops mobile games that collect bulk precise geolocation data and biometric identifiers of U.S. person users. The U.S. company contracts part of the software development to a *foreign person* who is primarily resident in a *country of concern* and is a *covered person*. The software-development services provided by the *covered person* under the contract involve access to the bulk precise geolocation data and biometric identifiers.



By contrast, the Department of Justice currently does not intend this category to apply to scenarios such as the following:

- *Example 23.* A U.S. multinational company maintains *bulk U.S. sensitive personal data* of U.S. persons. This company has a foreign branch, located in a *country of concern*, that has access to this data. The foreign branch contracts with a local company located in the *country of concern* to provide cleaning services for the foreign branch's facilities. Although the foreign branch is a U.S. person, the local company is a *covered person*, and the contract is a *vendor agreement*, the services performed under this contract do not "involve" the *bulk U.S. sensitive personal data* and thus would not be a *covered data transaction* subject to regulation.

*Employment agreement.* The program would define an *employment agreement* as any agreement or arrangement in which an individual, other than as an independent contractor, performs work or performs job functions directly for a person in exchange for payment or other consideration, including employment on a board or committee, executive-level arrangements or services, and employment services at an operational level. The Department of Justice currently intends *employment agreements* to apply to scenarios such as the following:

- *Example 24.* A U.S. company that conducts consumer genomic testing collects and maintains *bulk human genomic data* from U.S. consumers. The U.S. company has global IT operations, including employing a team of individuals that are citizens of and primarily reside in a *country of concern* to provide back-end services. Employment as part of the global IT operations team includes access to the U.S. company's systems containing the *bulk human genomic data*.

- *Example 25.* A U.S. company develops its own mobile games and social media apps that collect the *bulk U.S. sensitive personal data* of its U.S. users. The U.S. company distributes these games and apps in the United States through U.S.-based digital distribution platforms for software applications. Although the U.S. company's development team does not employ any *covered persons*, the U.S. company intends to hire as CEO an individual designated by the Attorney General as a *covered person* because of evidence the CEO acts on behalf of a country of concern. The individual's authorities and responsibilities as CEO involve access to all data collected by

the apps, including the *bulk U.S. sensitive personal data*.

- *Example 26.* A U.S. company has amassed *U.S. persons' bulk sensitive personal data* by scraping public photos from social-media platforms and then enrolls those photos in a database of *bulk biometric identifiers* developed by the U.S. company, including face-data scans, for the purpose of training or enhancing facial-recognition software. The U.S. company intends to hire a *foreign person*, who primarily resides in a *country of concern*, as a project manager responsible for the database. The individual's employment as the lead project manager would involve access to the *bulk biometric identifiers*. The *employment agreement* would be a *covered data transaction*.

- *Example 27.* A U.S. financial-services company seeks to hire a data scientist who is a citizen of a *country of concern* who primarily resides in that *country of concern* and who is developing a new AI-based personal assistant that could be sold as a standalone product to the company's customers. As part of that individual's employment, the data scientist would have administrator rights that allow that individual to access, download, and transmit bulk quantities of *personal financial data* not "ordinarily incident to and part of" the company's underlying provision of financial services to its customers.

*Investment agreement.* The program would define an *investment agreement* as any agreement or arrangement in which any person, in exchange for payment or other consideration, obtains direct or indirect ownership interests in or rights in relation to (1) real estate located in the United States or (2) a U.S. legal entity. The Department of Justice currently intends *investment agreements* to apply to scenarios such as the following:

- *Example 28.* A U.S. company intends to build a data center located in a U.S. territory. The data center will store *bulk personal health data* on U.S. persons. A foreign private-equity fund located in a *country of concern* agrees to provide capital for the construction of the data center in exchange for acquiring a majority ownership stake in the data center.

- *Example 29.* A foreign technology company subject to the jurisdiction of a *country of concern* and that the Attorney General has designated as a *covered person* enters into a shareholders' agreement with a U.S. business that develops mobile games and social media apps, acquiring a minority equity stake in the U.S. business. These games and apps

systematically collect *bulk U.S. sensitive personal data* of its U.S. users. The *investment agreement* explicitly gives the foreign technology company the ability to access this data.

- *Example 30.* Same as Example 29, but the *investment agreement* either does not explicitly give the foreign technology company the right to access the data or explicitly forbids that access. The *investment agreement* would still fall into the class of restricted *covered data transactions* that have been determined to pose an unacceptable risk to national security because they may enable *countries of concern* or *covered persons* to access the *bulk U.S. sensitive personal data*; whether the specific *investment agreement* poses a risk of access does not affect whether the agreement is restricted.

By contrast, the Department of Justice does not intend to restrict *investment agreements* in scenarios such as the following:

- *Example 31.* Same as Example 29, but the U.S. business does not maintain or have access to any *bulk U.S. sensitive personal data* or *government-related data* (e.g., a pre-commercial company or start-up company). Because the data transaction does not involve any *bulk U.S. sensitive personal data* or *government-related data*, this *investment agreement* does not meet the definition of *covered data transaction*.

The Department of Justice is considering categorically excluding certain passive investments that do not convey the ownership interest or rights (including those that provide meaningful influence that could be used to obtain such access) that ordinarily pose an unacceptable risk to national security because they may give *countries of concern* or *covered persons* access to *bulk sensitive personal data* or *government-related data*. Specifically, the Department of Justice is considering categorically excluding, from the definition of *investment agreement*, any investment that:

(1) I made:

(a) Into a publicly traded security, with "security" defined in section 3(a)(10) of the Securities Exchange Act of 1934, Public Law 73-291 (as codified as amended at 15 U.S.C. 78c(a)(10)), denominated in any currency that trades on a securities exchange or through the method of trading that is commonly referred to as "over-the-counter," in any jurisdiction;

(b) Into an index fund, mutual fund, exchange-traded fund, or a similar instrument (including associated derivatives) offered by an "investment company" (as defined in section 3(a)(1) of the Investment Company Act of 1940, Public Law 76-768, as codified as amended at 15 U.S.C. 80a-3(a)(1)) or by a private investment fund; or



(c) As a limited partner into a venture capital fund, private equity fund, fund of funds, or other pooled investment fund, if the limited partner's contribution is solely capital into a limited partnership structure or equivalent and the limited partner cannot make managerial decisions, is not responsible for any debts beyond its investment, and does not have the formal or informal ability to influence or participate in the fund's or a *U.S. person's* decision-making or operations;

(2) Gives the *covered person* less than [a de minimis threshold] in total voting and equity interest in a *U.S. person*; and

(3) Does not give a *covered person* rights beyond those reasonably considered to be standard minority shareholder protections, including (a) membership or observer rights on, or the right to nominate an individual to a position on, the board of directors or an equivalent governing body of the *U.S. person*, or (b) any other involvement, beyond the voting of shares, in substantive business decisions, management, or strategy of the *U.S. person*.

Finally, the Department of Justice is considering how the program should address *investment agreements* that are "covered transactions" subject to the jurisdiction of the Committee on Foreign Investment in the United States (CFIUS) under section 721 of the Defense Production Act of 1950, Public Law 81-774, as codified as amended at 50 U.S.C. 4565. This topic is discussed separately in the section on "Coordination with Other Regulatory Regimes."

The ANPRM seeks comment on this topic, including:

22. What modifications to enhance clarity, if any, should be made to the definitions under consideration for *data brokerage*, *vendor agreements*, *employment agreements*, and *investment agreements*?

23. With respect to the exclusion from the definition of *investment agreements* for certain low-risk investments, what de minimis threshold of voting or equity interest should the Department of Justice consider establishing?

24. Are there any elements of the *data brokerage* ecosystem that would not be included in the definition of *data brokerage* under consideration?

25. Are there any additional scenarios or types of *data transactions* that would be helpful to identify whether or not they would be restricted?

#### E. Countries of Concern

The Order requires the Attorney General to identify countries of concern. The Order defines "country of concern" as any foreign government that, as determined by the Attorney General with the concurrence of the Secretaries of State and Commerce, "(1) has engaged in a long-term pattern or serious instances of conduct significantly adverse to the national

security of the United States or security and safety of United States persons, and (2) poses a significant risk of exploiting bulk U.S. sensitive personal data or United States Government-related data to the detriment of the national security of the United States or the security and safety of U.S. persons, as specified in regulations issued by the Attorney General pursuant to section 2 of th[e] order."

The Department of Justice is considering adopting the Order's definition of the term *country of concern* without elaboration or amendment. The Department of Commerce, in implementing Executive Order 13873—in which the President declared a national emergency stemming from foreign adversaries' ability to exploit information and communications and technology services to, among other things, engage in malicious cyber-enabled activities—identified the following countries as having engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or security and safety of the United States: the People's Republic of China, along with the Special Administrative Region of Hong Kong and the Special Administrative Region of Macau; the Russian Federation; the Islamic Republic of Iran; the Democratic People's Republic of Korea; the Republic of Cuba; and the Bolivarian Republic of Venezuela. See 15 CFR 7.4. This Order expands the scope of the national emergency declared by the President in Executive Order 13873. Accordingly, the Department of Justice is considering identifying the same countries as *countries of concern* under the Order, as will be explained further in the notice of proposed rulemaking.

The ANPRM seeks comment on this topic, including:

26. Should the Department of Justice further elaborate in any way on the definition of *country of concern* to provide greater clarity?

27. Are there other factors or considerations relating to the abilities of the proposed *countries of concern* to access and exploit bulk sensitive personal data or government-related data to engage in nefarious activities that the Department of Justice should take into account when determining whether to identify the same countries as *countries of concern*?

#### F. Covered Persons

The Order requires the Attorney General to identify classes of covered persons, as appropriate, for the purposes of the Order. "Covered person" is defined by the Order as "an entity owned by, controlled by, or subject to

the jurisdiction or direction of a country of concern; a foreign person who is an employee or contractor of such an entity; a foreign person who is an employee or contractor of a country of concern; a foreign person who is primarily resident in the territorial jurisdiction of a country of concern; or any person designated by the Attorney General as being owned or controlled by or subject to the jurisdiction or direction of a country of concern, as acting on behalf of or purporting to act on behalf of a country of concern or other covered person, or as knowingly causing or directing, directly or indirectly, a violation" of the Order or its implementing regulations. The Department of Justice is considering an approach that would identify a *covered person* as a *person* that meets the definition either by (1) falling into one of the classes without having been individually designated by the Department of Justice or (2) having been individually designated by the Department of Justice on a public list maintained and updated by the Department of Justice.

The Department of Justice is considering defining the term *covered person* as:

(1) An *entity* that is 50 percent or more owned, directly or indirectly, by a *country of concern*, or that is organized or chartered under the laws of, or has its principal place of business in, a *country of concern*;

(2) An *entity* that is 50 percent or more owned, directly or indirectly, by an *entity* described in category (1) or a *person* described in categories (3), (4), or (5);

(3) A *foreign person* who is an employee or contractor of a *country of concern* or of an *entity* described in categories (1), (2), or (5);

(4) A *foreign person* who is primarily resident in the territorial jurisdiction of a *country of concern*; or

(5) Any *person* designated by the Attorney General as being owned or controlled by or subject to the jurisdiction or direction of a *country of concern*, or as acting on behalf of or purporting to act on behalf of a *country of concern* or *covered person*, or knowingly causing or directing a violation of these regulations.

Under this contemplated definition, citizens of *countries of concern* located in third countries (*i.e.*, not located in the United States and not primarily resident in a *country of concern*) would not be categorically treated as *covered persons*. Instead, only a subset of *country-of-concern* citizens in third countries would qualify categorically as *covered persons*: those working for the government of a *country of concern* or for a covered entity (as described in category 3 above). All other *country-of-concern* citizens located in third countries would not qualify as *covered*

persons except to the extent that the Attorney General designates them. The term *covered person* would thus apply as follows to *country-of-concern* citizens:

- *Example 32. Foreign persons* primarily resident in Cuba, Iran or another *country of concern* would be categorically treated as *covered persons*.

- *Example 33. Chinese or Russian* citizens located in the United States would be treated as *U.S. persons* and would not be *covered persons* (except to the extent individually designated). They would be subject to the same prohibitions and restrictions as all other *U.S. persons* with respect to engaging in *covered data transactions* with *countries of concern* or *covered persons*.

- *Example 34. Citizens of a country of concern* who are primarily resident in a third country, such as Russian citizens primarily resident in the European Union or Cuban citizens primarily resident in South America, would not be *covered persons* except to the extent they are individually designated or to the extent that they are employees or contractors of a *country-of-concern* government or a covered entity.

- *Example 35. A foreign person* located abroad is employed by a company headquartered in the People's Republic of China. Because the *foreign person* is the employee of a covered entity, the person is a *covered person*.

- *Example 36. A foreign person* located abroad is employed by a company that has been designated as a *covered person*. Because the *foreign person* is the employee of a covered entity, the person is a *covered person*.

With respect to individually designated *covered persons*, the Department of Justice is considering maintaining a public list of persons determined to be *covered persons*, modeled on various sanctions designations lists maintained by OFAC. Inclusion on the Department of Justice's *covered person list* would have no effect on a person's inclusion on OFAC or other U.S. Government designation lists. As indicated by the contemplated definition of *covered person*, this list would identify "any person designated by the Attorney General as being owned or controlled by or subject to the jurisdiction or direction of a *country of concern*, or as acting on behalf of or purporting to act on behalf of a *country of concern* or *covered person*, or knowingly causing or directing a violation of these regulations." This designations list would supplement the defined categories in the definition of *covered person* to provide direct and actual notice to regulated parties of specific designated persons, would

inform the public regarding the specific designated persons subject to this regulation's requirements regarding prohibited and restricted *covered data transactions*, and would serve enforcement purposes. Importantly, however, the public list would not exhaustively include all *covered persons*, as any person that satisfies the criteria contained in the relevant definitions will be considered a *covered person* under the regulation, regardless of whether the person is identified on the public list.

The Department of Justice would establish a process to add to, remove from, or modify this list. The process would be similar to the internal processes used by other United States Government agencies that make designations based on IEEPA authorities, including interagency consultation to ensure that agencies with relevant equities and expertise may weigh in. For example, the Department of Justice would be free to consider, to the extent compliant with applicable law, any classified or unclassified information from any Federal agency or other source. A *person* would be able to seek administrative reconsideration of the Department of Justice's determination that they are a *covered person*, or assert that the circumstances resulting in the determination no longer apply, and thus seek to have the designation rescinded pursuant to applicable administrative procedures. This administrative appeals process would be based on, and substantially similar to, analogous programs maintained by other Federal agencies that exercise IEEPA authorities.

The ANPRM seeks comment on this topic, including:

28. How would the U.S. party to a data transaction ascertain whether a counterparty to the transaction is a *covered person* as defined above? What kind of diligence would be necessary?

29. What are the considerations as to whether a *person* is "controlled by[]" or subject to the jurisdiction or direction of" a *country of concern*? What, if any, changes should be made to the definitions above to make their scope and application clearer? Why? What, if any changes should be made to broaden or narrow them? Why?

30. With respect to the part of the definition of *covered person* addressing "a foreign person who is primarily resident in the territorial jurisdiction of a *country of concern*," how should the Department of Justice address temporary travel to or in a *country of concern* by foreign individuals who are not citizens of a *country of concern*? Should the standard be "primarily resident in," "resident in," "located in," or something else?

31. Other than certain lists maintained by OFAC and BIS, are there other designation

lists accessible to industry that the Department of Justice should consider as a model for identifying potential *covered persons*?

32. How should the list be published? How should it be organized? In what format should the Department of Justice publish it?

33. How would industry monitor this list? Would it be more costly for industry if the list were updated continually or only at certain points in time? If updates were made on an individual basis or in batches? Please be specific.

34. How quickly after a *covered person* is added to the list (or an existing listing is modified) could industry take account of the new information in its compliance programs?

35. Are there specific sources that the Department of Justice should consult to identify potential candidates for designation? If so, which ones?

36. Should the Department of Justice maintain a public-facing channel for the public to report potential candidates for designation? Why or why not? If yes, who should be permitted to make such reports and what information should they be required to provide? Would it be preferable that the information submitted be protected from public disclosure?

37. Are there any aspects of processes used by other Federal agencies for persons to request or petition for the removal or modification of a designation or listing that would be especially useful for this list? If so, which ones and why?

38. Are there any aspects of the IEEPA designations appeals processes maintained by other Federal agencies that are not necessary for this list? If so, which ones and why not?

### G. Prohibitions

The Order specifically directs the Attorney General to promulgate regulations to prohibit or otherwise restrict United States persons from engaging in any acquisition, holding, use, transfer, transportation, or exportation of, or dealing in, any property in which a foreign country or national thereof has any interest ("transaction"), where the transaction:

i. Involves bulk U.S. sensitive personal data or United States Government-related data, as further defined by regulations issued by the Attorney General;

ii. Is a member of a class of transactions that has been determined by the Attorney General, in regulations issued by the Attorney General, to pose an unacceptable risk to the national security of the United States because the transactions may enable countries of concern or covered persons to access bulk U.S. sensitive personal data or United States Government-related data in a manner that contributes to the national emergency described in the Order;

iii. Was initiated, is pending, or will be completed after the effective date of the regulations issued by the Attorney General;

iv. Does not qualify for an exemption provided in, or is not authorized by a license issued pursuant to, the regulations issued by the Attorney General; and

v. Is not, as defined in final rules implementing the Order, ordinarily incident to and part of the provision of financial services, including banking, capital markets, and financial insurance services, or required for compliance with any Federal statutory or regulatory requirements, including any regulations, guidance, or orders implementing those requirements.

The Order further requires the Attorney General to promulgate regulations that identify classes of transactions that meet the criteria specified above and are thus prohibited under the Order. The Order describes additional activities that are, or may be, prohibited. In particular, any conspiracy formed to violate the regulations and any action that has the purpose of evading, causes a violation of, or attempts to violate the Order or any regulation issued thereunder is prohibited. In addition, the Order provides authority to the Attorney General to prohibit U.S. persons from “knowingly directing transactions” that would be prohibited transactions pursuant to the Order if engaged in by a U.S. person. The Department of Justice may at a future date provide notices of proposed rulemaking to add classes of prohibited transactions.

For this ANPRM, the Department of Justice is considering the following five prohibitions for *covered data transactions*, which would become effective only upon the effective date of a final rule.

First, the program would contain a general prohibition that is subject to authorized exemptions. The program would be technology-agnostic and neutral as to the path or route that *bulk U.S. sensitive personal data* or *government-related data* travels:

“Except as otherwise authorized pursuant to these regulations, no *U.S. person*, on or after the *effective date*, may knowingly engage in a *covered data transaction* with a *country of concern* or *covered person*.”

The Department of Justice currently intends for the *knowingly* language in this and the other prohibitions to apply to persons who knew or should have known of the circumstances of the *transaction*. In its guidance on what an individual or entity “should have known” in such context, the Department proposes to take into account the relevant facts and circumstances, including the relative sophistication of the individual or entity at issue, the scale and sensitivity of the data involved, and the extent to which the parties to the *transaction* at issue appear to have been aware of and sought to evade the application of these rules. This is not intended to operate as a strict-liability standard. The *knowingly*

language is also not intended to require *U.S. persons*, in engaging in *vendor agreements* and other classes of data *transactions* with *foreign persons*, to conduct due diligence on the employment practices of those *foreign persons* to determine whether they qualify as *covered persons*. But *persons* will be prohibited from evading or avoiding these prohibitions, including by knowingly structuring *transactions* in a manner that attempts to circumvent these prohibitions.

With respect to the *knowingly* language, the prohibitions would therefore not apply in scenarios such as the following:

- *Example 37.* A *U.S. person* engages in a *vendor agreement* involving *bulk sensitive personal data* with a *foreign person* who is not a *covered person*. The *foreign person* then employs an individual who is a *covered person* and grants them access to *bulk U.S. sensitive personal data* without the *U.S. person's* knowledge or direction. There is no *covered data transaction* between the *U.S. person* and the *covered person*, and there is no indication that the parties engaged in these *transactions* with the purpose of evading the regulations (such as the *U.S. person* having *knowingly directed the foreign person's employment agreement* with the *covered person* or the parties *knowingly structuring a prohibited covered data transaction* into these multiple *transactions* with the purpose of evading the prohibition).

- *Example 38.* A *U.S. company* sells DNA testing kits to *U.S. consumers* and maintains *bulk human genomic data* collected from those consumers. The *U.S. company* enters into a contract with a foreign cloud-computing company (which is not a *covered person*) to store the *U.S. company's* database of *human genomic data*. The foreign company hires employees from other countries, including citizens of *countries of concern* who primarily reside in a *country of concern*, to manage databases for its customers, including the *U.S. company's* human genomic database. There is no indication of evasion, such as the *U.S. company knowingly directing the foreign company's employment agreements* or the *U.S. company knowingly engaging in and structuring these transactions* to evade the regulations). The *cloud-computing services agreement* between the *U.S. company* and the foreign company would not be prohibited or restricted because that *covered data transaction* is between a *U.S. person* and a foreign company that does not meet the definition of a *covered person*. The

*employment agreements* between the foreign company and the *covered persons* would not be prohibited or restricted because those agreements are between *foreign persons*.

By contrast, the prohibitions would apply in scenarios such as the following:

- *Example 39.* A *U.S. subsidiary* of a company headquartered in a *country of concern* collects *bulk precise geolocation data* from *U.S. persons*. The *U.S. subsidiary* is a *U.S. person*, and the parent company is a *covered person*. With the purpose of evading the regulations, the *U.S. subsidiary* enters into a *vendor agreement* with a foreign company that is not a *covered person*, which the *U.S. subsidiary* knows (or should know) is a shell company that subsequently outsources the *vendor agreement* to the *U.S. subsidiary's* parent company.

- *Example 40.* A *U.S. company* collects *bulk personal health data* from *U.S. persons*. With the purpose of evading the regulations, the *U.S. company* enters into a *vendor agreement* with a foreign company that is not a *covered person*, which the *U.S. company* knows (or should know) is a shell company staffed entirely by *covered persons*.

Second, the contemplated program would include a prohibition specific to *data brokerage* to address *transactions* involving the onward transfer of *bulk U.S. sensitive personal data* or *government-related data* to *countries of concern* and *covered persons*. The Department of Justice is considering the following prohibition: Except as otherwise authorized pursuant to these regulations, no *U.S. person*, on or after the *effective date*, may knowingly engage in a *covered data transaction* involving *data brokerage* with any *foreign person* unless the *U.S. person* contractually requires that the *foreign person* refrain from engaging in a subsequent *covered data transaction* involving the same data with a *country of concern* or *covered person*.

This narrow circumstance would be the only instance in which the contemplated program would regulate third-country *covered data transactions* (i.e., *U.S. persons' covered data transactions* in which a *country of concern* or *covered person* is not a party). The Department of Justice currently intends this prohibition to apply to scenarios such as the following:

- *Example 41.* A *U.S. business* knowingly enters into an agreement to sell *bulk human genomic data* to a European business that is not a *covered person*. The *U.S. business* is required to include in that agreement a limitation

on the European business's right to resell that data to a *country of concern* or *covered person*.

Third, the contemplated program would include a prohibition to specifically address the risks posed by *covered data transactions* involving *access by countries of concern to U.S. persons' bulk human genomic data* and biospecimens from which that data can be derived—such as *covered data transactions* involving laboratories owned or operated by *covered persons*. The Department of Justice is considering the following prohibition: Except as otherwise authorized pursuant to these regulations, no *U.S. person*, on or after the *effective date*, may knowingly engage in any *covered data transaction* with a *country of concern* or *covered person* that provides that *country of concern* or *covered person* with *access to bulk U.S. sensitive personal data* that consists of *human genomic data*, or to human biospecimens from which such data could be derived, on greater than [the applicable bulk threshold of] *U.S. persons* at any point in the preceding twelve months, whether in a single *covered data transaction* or aggregated across *covered data transactions*.

Fourth, as in other IEEPA-based regulations, the Department of Justice is considering rules that will also prohibit evasions, causing violations, attempts, and conspiracies.

Fifth, the Department of Justice is considering prohibiting *U.S. persons* from *knowingly directing* any *covered data transaction* that would be prohibited (including restricted transactions that do not comply with the *security requirements*) if engaged in by a *U.S. person*. For purposes of this provision, the Department of Justice is considering defining *knowingly* to mean that the *U.S. person* had actual knowledge of, or should have known about, the conduct, circumstance, or result. And the Department of Justice is considering defining *directing* to mean that a *U.S. person* has the authority (individually or as part of a group) to make decisions on behalf of a foreign entity, and exercises that authority to order, decide, or approve a *transaction* that would be prohibited under these regulations if engaged in by a *U.S. person*. The program will clarify that certain conduct that is attenuated from the risks to U.S. national security identified in the Order, such as the financing or underwriting of a *covered data transaction*, the processing, clearing, or sending of payments by a bank, and legal services, would not be covered as *directing a transaction* as defined by the regulations. This approach is narrower than the authority

afforded to the Department of Justice under the Order.

The Department of Justice intends to use this authority to tailor the regulations to target the identified national-security threat by prohibiting *U.S.-person* activity such as:

- *Example 42.* A *U.S. person* is an officer, senior manager, or equivalent senior-level employee at a foreign company that is not a *covered person*, and the foreign company undertakes a *covered data transaction* at that *U.S. person's* direction or with that *U.S. person's* approval when the *covered data transaction* would be prohibited if performed by a *U.S. person*.

- *Example 43.* Several *U.S. persons* launch, own, and operate a foreign company that is not a *covered person*, and that foreign company, under the *U.S. persons' operation*, undertakes *covered data transactions* that would be prohibited if performed by a *U.S. person*.

- *Example 44.* A *U.S. person* is employed at a U.S.-headquartered multinational company that has a foreign affiliate that is not a *covered person*. The *U.S. person* changes (or approves changes to) the operating policies and procedures of the foreign affiliate with the specific purpose of allowing the foreign affiliate to undertake *covered data transactions* that would be prohibited if performed by a *U.S. person*.

By contrast, the prohibition in the Order on *knowingly directing* transactions would not apply to scenarios such as the following:

- *Example 45.* A U.S. bank processes a payment from a *U.S. person* to a *covered person*, or from a *covered person* to a *U.S. person*, as part of that *U.S. person's* engagement in a prohibited *data transaction*. The U.S. bank's activity would not be prohibited (although the *U.S. person's covered data transaction* would be prohibited).

- *Example 46.* A U.S. financial institution underwrites a loan or otherwise provides financing for a foreign company that is not a *covered person*, and the foreign company undertakes *covered data transactions* that would be prohibited if performed by a *U.S. person*.

- *Example 47.* A *U.S. person*, who is employed at a foreign company that is not a *covered person*, signs paperwork approving the foreign company's procurement of real estate for its operations. The same foreign company separately conducts *data transactions* that use or are facilitated by operations at that real-estate location and that would be prohibited *covered data transactions* if performed by a *U.S.*

*person*, but the U.S. employee has no role in approving or directing those separate *data transactions*.

- *Example 48.* A U.S. company owns or operates a submarine telecommunications cable with one landing point in a foreign country that is not a *country of concern* and one landing point in a *country of concern*. The U.S. company leases capacity on the cable to U.S. customers that transmit *bulk sensitive personal data* to the landing point in the *country of concern*, including transmissions as part of prohibited *covered data transactions*. The U.S. company's ownership or operation of the cable would not be prohibited (although the U.S. customers' *covered data transactions* would be prohibited).

The ANPRM seeks comment on this topic, including:

39. How feasible is it to contract with prospective customers to prevent pass-through sales, re-sale, or onward transfers of *bulk U.S. sensitive personal data* or *government-related data to countries of concern* or *covered persons*? Do technical means exist to prevent such onward sales or transfers? If yes, what are such technical means?

40. What modifications, if any, should be made to the proposed definitions above to enhance clarity?

41. What, if any, unintended consequences could result from the proposed definitions?

42. What, if any, alternate approaches should the Department of Justice consider to prevent the conduct in the *knowingly-directed* example scenarios described above?

#### H. Exempt Transactions

The Order recognizes that certain transactions will be exempt from any final rules. The Department of Justice is considering mirroring OFAC's approach in IEEPA-based sanctions regulations by explicitly identifying certain classes of *data transactions* that are exempt from the scope of its prohibitions and restrictions. As explained below, DOJ is considering exempting from this program: *data transactions* involving certain kinds of data; official business *transactions*; financial-services, payment-processing, and regulatory-compliance-related *transactions*; intra-entity *transactions* incident to business operations; and *transactions* required or authorized by Federal law or international agreements.

*Data transactions involving certain kinds of data.* The program would exempt two classes of *data transactions* to the extent that they involve data that is statutorily exempt from regulation under IEEPA: *personal communications* (any postal, telegraphic, telephonic, or other personal communication that does not involve the transfer of anything of

value, as set out under 50 U.S.C. 1702(b)(1)) or *information or informational materials* (the importation from any country, or the exportation to any country, whether commercial or otherwise, regardless of format or medium of transmission, of any *information or informational materials*, as set out under 50 U.S.C. 1702(b)(3)) and as further interpreted and defined in the contemplated regulations).

**Official business.** The Order exempts “transactions for the conduct of the official business of the United States Government by employees, grantees, or contractors thereof, [and] transactions conducted pursuant to a grant, contract, or other agreement entered into with the United States Government.” To implement this provision, the Department of Justice is considering exempting data *transactions* to the extent that they are for (1) the conduct of the official business of the United States Government by its employees, grantees, or contractors; (2) any authorized activity of any United States Government department or agency (including an activity that is performed by a Federal depository institution or credit union supervisory agency in the capacity of receiver or conservator); or (3) *transactions* conducted pursuant to a grant, contract, or other agreement entered into with the United States Government. Most notably, this exemption would exempt grantees and contractors of Federal departments and agencies, including the Department of Health and Human Services, the Department of Veterans Affairs, the National Science Foundation, and the Department of Defense, so that those agencies can pursue grant-based and contract-based conditions to address risks that *countries of concern* can *access* sensitive personal data in *transactions* related to their agencies’ own grants and contracts, as laid out in section 3(b) of the Order—without subjecting those grantees and contractors to dual regulation.

The Department of Justice proposes that this exemption would apply to, and thus exempt, scenarios such as the following:

- **Example 49.** A U.S. hospital receives a Federal grant to conduct research on *U.S. persons*. As part of that federally funded human genomic research, the U.S. hospital contracts with a foreign laboratory that is a *covered person*, hires a researcher that is a *covered person*, and gives the laboratory and researcher *access* to the human biospecimens and *human genomic data* in bulk. The contract with the foreign laboratory and the employment of the researcher would be

prohibited *covered data transactions* if they were not part of the federally funded research.

**Financial-services, payment-processing, and regulatory-compliance-related transactions.** Section 2(a)(v) of the Order exempts any transaction that is, as defined by final rules implementing the Order, ordinarily incident to and part of the provision of financial services, including banking, capital markets, and financial insurance services, or required for compliance with any Federal statutory or regulatory requirements, including any regulations, guidance, or orders implementing those requirements. To further define this exemption, the Department of Justice is contemplating exempting data *transactions* to the extent that they are ordinarily incident to and part of the provision of financial services, including:

- (i) Banking, capital-markets, or financial-insurance services;
- (ii) A financial activity authorized by 12 U.S.C. 24 (Seventh) and rules and regulations thereunder;
- (iii) An activity that is “financial in nature or incidental to a financial activity” or “complementary to a financial activity,” as set forth in section 4(k) of the Bank Holding Company Act of 1956 and rules and regulations thereunder;
- (iv) The provision or processing of payments involving the transfer of *personal financial data* or *covered personal identifiers* for the purchase and sale of goods and services (such as the purchase, sale, or transfer of consumer products and services through online shopping or e-commerce marketplaces), other than data *transactions* that involve *data brokerage*; and
- (v) Compliance with any Federal laws and regulations, including the Bank Secrecy Act, 12 U.S.C. 1829b, 1951–1960, 31 U.S.C. 310, 5311–5314, 5316–5336; the Securities Act of 1933, 15 U.S.C. 77a *et seq.*; the Securities Exchange Act of 1934, 15 U.S.C. 78a *et seq.*; the Investment Company Act of 1940, 15 U.S.C. 80a–1 *et seq.*; the Investment Advisers Act of 1940, 15 U.S.C. 80b–1 *et seq.*; the International Emergency Economic Powers Act, 50 U.S.C. 1701 *et seq.*; the Export Administration Regulations, 15 CFR part 730, *et seq.*; or any notes, guidance, orders, directives, or additional regulations related thereto.

The Department of Justice would consult the Department of the Treasury and other relevant agencies in interpreting and applying this exemption, including through guidance, advisory opinions, or licensing decisions.

The Department of Justice currently intends this exemption to apply to, and thus exempt, scenarios such as the following:

- **Example 50.** A U.S. company engages in a data *transaction* to transfer

*personal financial data* in bulk to a financial institution that is incorporated in, located in, or subject to the jurisdiction or control of a *country of concern* to clear and settle electronic payment transactions between U.S. individuals and merchants in a *country of concern* where both the U.S. individuals and the merchants use the U.S. company’s infrastructure, such as an e-commerce platform. Both the U.S. company’s transaction transferring bulk *personal financial data* and the payment transactions by U.S. individuals are both exempt.

- **Example 51.** A U.S. bank or other financial institution engages in a data *transaction* with a *covered person* that is ordinarily incident to and part of ensuring complying with U.S. laws and regulations (such as OFAC sanctions and anti-money laundering programs required by the Bank Secrecy Act).

- **Example 52.** As ordinarily incident to and part of securitizing and selling asset-backed obligations (such as mortgage and nonmortgage loans) to a *covered person*, a U.S. bank provides bulk *U.S. sensitive personal data* to the *covered person*.

- **Example 53.** A U.S. bank or other financial institution, as ordinarily incident to and part of facilitating payments to U.S. persons in a *country of concern*, stores and processes the customers’ *bulk financial data* using a data center operated by a third-party service provider in the *country of concern*.

- **Example 54.** As part of operating an online marketplace for the purchase and sale of goods, a U.S. company, as ordinarily incident to and part of U.S. consumers’ purchase of goods on that marketplace, transfers bulk contact information, payment information (*e.g.*, credit-card account number, expiration data, and security code), and delivery address to a merchant in a *country of concern*.

**Intra-entity transactions incident to business operations.** The Department of Justice is considering exempting data *transactions* to the extent that they are (1) between a *U.S. person* and its subsidiary or affiliate located in (or otherwise subject to the ownership, direction, jurisdiction, or control) of a *country of concern*, and (2) ordinarily incident to and part of ancillary business operations (such as the sharing of employees’ *covered personal identifiers* for human-resources purposes; payroll transactions like the payment of salaries and pension to overseas employees or contractors; paying business taxes or fees; purchasing business permits or licenses; sharing data with auditors and law firms

for regulatory compliance; and risk-management purposes).

The Department of Justice currently intends this exemption to apply to, and thus exempt, scenarios such as the following:

- *Example 55.* A U.S. company has a foreign subsidiary located in a *country of concern*, and the U.S. company's U.S.-person contractors perform services for the foreign subsidiary. As ordinarily incident to and part of the foreign subsidiary's payments to the U.S.-person contractors for those services, the U.S. company engages in a *data transaction* that gives the subsidiary *access* to the U.S.-person contractors' *bulk personal financial data* and *covered personal identifiers*.

By contrast, the Department of Justice intends this exemption not to apply to scenarios such as the following:

- *Example 56.* A U.S. company aggregates *bulk personal financial data*. The U.S. company has a non-wholly owned subsidiary that is a *covered person* because it is headquartered in a *country of concern*. The subsidiary is subject to the *country of concern's* national-security laws requiring it to cooperate with and assist the country's intelligence services. The exemption would not apply to the U.S. parent's grant of a license to the subsidiary to access the parent's databases containing the *bulk personal financial data* for the purpose of complying with a request or order by the *country of concern* under those national-security laws to provide access to that data.

*Transactions required or authorized by Federal law or international agreements.* The Department of Justice is considering exempting *data transactions* to the extent that they are required or authorized by Federal law or pursuant to an international agreement (such as the exchange of passenger-manifest information, INTERPOL requests, and public-health surveillance).

The ANPRM seeks comment on this topic, including:

43. What modifications, if any, should be made to the proposed definitions above to enhance clarity?

44. What, if any, unintended consequences could result from the proposed definitions?

45. Are there other types of *data transactions* that should be exempt? Please explain why.

### *I. Security Requirements for Restricted Transactions*

As described above, the Department of Justice is considering identifying three classes of restricted *covered data transactions* (*vendor agreements*, *employment agreements*, and

*investment agreements*) that would be otherwise prohibited unless they meet certain conditions (*security requirements*) that mitigate the threats posed by *access* to the *bulk U.S. sensitive personal data* or *government-related data* by a *country of concern* or *covered person*. While the security requirements are still under development and will be available to the public at later date, the Department of Homeland Security, in coordination with the Department of Justice, has developed an outline of what the security requirements might entail, and that outline is previewed here only as context for the rest of the contemplated program and other topics on which questions are sought in this ANPRM.

The primary goal of the *security requirements* is to address national-security and foreign-policy threats that arise when *countries of concern* and *covered persons* can *access bulk U.S. sensitive personal data* or *government-related data* that may be implicated by the classes of restricted *covered data transactions*. The contemplated *security requirements* would be based on, as applicable and appropriate, existing performance goals, guidance, practices, and controls, such as the Cybersecurity and Infrastructure Security Agency (CISA) Cybersecurity Performance Goals (CPG), National Institute of Standards & Technology (NIST) Cybersecurity Framework (CSF), NIST Privacy Framework (PF), and NIST SP 800–171 rev. 3 (“Protecting Controlled Unclassified Information in Nonfederal Systems and Organizations”). The Department of Justice proposes to decline to regulate restricted *covered data transactions* until the applicable *security requirements* are published, available to the public, and become effective by incorporation into the final rule. The Department of Homeland Security, in coordination with the Department of Justice, has outlined the following approach to the *security requirements*.

A restricted *covered data transaction* would be permissible if the U.S. person:

- (1) implements *Basic Organizational Cybersecurity Posture requirements*;
- (2) conducts the *covered data transaction* in compliance with the following four conditions: (a) *data minimization and masking*; (b) use of *privacy-preserving technologies*; (c) development of information-technology systems to prevent unauthorized disclosure; and (d) implementation of *logical and physical access controls*; and
- (3) satisfies certain compliance-related conditions, such as retaining an independent auditor to perform annual testing and auditing of the requirements in (1) and (2) above, for so long as the U.S. person relies on compliance with those conditions to

conduct the restricted *covered data transaction*.

*Basic Organizational Cybersecurity Posture requirements* applicable to all restricted *covered data transactions* could include practices such as CISA CPG 1.A, 1.B, 1.E, 1.F, 1.I, 2.P, 2.S, 2.Q, 4.A, and 5.A; NIST PF ID.IM–P1, ID.IM–P2, ID.BE–P1, and CT.DM–P9; and NIST CSF PR.AT–4 and PR.AT–5. Required controls could include NIST SP 800–171 3.1.1, 3.1.5, 3.3.1, 3.3.2, 3.3.3, 3.9.1, 3.9.2, and 3.14.6.

*Data minimization and masking* strategies (e.g., tokenization) could be used to eliminate *bulk U.S. sensitive personal data* or *government-related data* from some organizational scope to which a *country of concern* or *covered person* would have *access*. Required practices could include NIST PF CT.PO–P2, CT.DM–P8, CT.DP–P1, and CT.DP–P2.

*Privacy-preserving technologies* (e.g., based on homomorphic encryption or traditional encryption) could be deployed to enable restricted *covered data transactions* to proceed without exposing the *bulk U.S. sensitive personal data* or *government-related data* itself to *countries of concern* and *covered persons*. Required practices could include CISA CPG 2.K and 2.L; NIST PF CT.DP–P1; and NIST PF/CSF PR.DS–P1 and PR.DS–P2. Required controls could include NIST SP 800–181 3.13.8, 3.13.10, and 3.13.11, and ones analogous to the controls described in 15 CFR 734.18(a)(5).

*Logical and physical access controls* could include role-based *access* management, such as *credentialed access* to both data systems and physical facilities containing *bulk U.S. sensitive personal data* or *government-related data*. Required practices could include CISA CPG 2.B, 2.D, 2.F, 2.G, 2.H, 2.T, 2.U, and 2.V; and NIST PF/CSF PR.AC–P1, PR.AC–P2, PR.AC–P3, PR.AC–P4, PR.AC–P5, PR.AC–P6, and PR.AC–P7. Required controls could include NIST SP 800–171 3.1.2, 3.1.3, 3.1.8, 3.1.10, 3.1.11, 3.1.12, 3.5.1, 3.5.3, 3.5.5, 3.5.7, 3.10.1, 3.10.2, and 3.10.7.

Under the contemplated program, a restricted *covered data transaction* would become prohibited if the parties fail to comply with the *security requirements*.

The Department of Homeland Security will propose and solicit public comment on the *security requirements* through a separate process.

### *J. Licenses*

The Order authorizes the Attorney General, in concurrence with the Departments of State, Commerce, and Homeland Security, and in consultation



with other relevant agencies, to issue (including to modify or rescind) licenses authorizing *covered data transactions* that would otherwise be prohibited or restricted. The Department of Justice is considering a license regime that would be modeled on the licensing regime used by OFAC and would incorporate both general and specific licenses. These licenses would approve, or impose conditions on, *covered data transactions* that are prohibited or restricted and would include an interagency consultation process to ensure that agencies with relevant equities and expertise may weigh in. The Department of Justice is considering this type of licensing regime because, among other reasons, it could give regulated parties the ability to bring specific concerns to the Department of Justice and seek appropriate regulatory relief. Licensing could also provide the Department of Justice with flexibility to resolve marginal, unique, or particularly sensitive cases, either generally or in individual matters.

**General licenses.** Under the regime that the Department of Justice is considering, the Attorney General could issue and publish general licenses authorizing, under appropriate terms and conditions, certain types of *covered data transactions* that are subject to the requirements contained in the rules. Persons availing themselves of certain general licenses may be required to file reports and statements in accordance with the instructions specified in those licenses. Failure to timely file all required information in such reports or statements may nullify the authorization otherwise provided by the general license and result in violations of the applicable prohibitions that may be subject to enforcement action. General licenses could also be used to ease industry's transition once the rules become effective by potentially, for example, authorizing orderly wind-down conditions for *covered data transactions* that would otherwise be prohibited by the rules.

**Specific licenses.** The Department of Justice is also considering whether, as part of the rulemaking, to impose certain requirements that would apply to all persons who receive specific licenses. Those requirements could include, for example: (1) an ongoing obligation to provide reports regarding the authorized *transactions*; or (2) a requirement that any *person* receiving a specific license to transact in *bulk U.S. sensitive personal data* or *government-related data* must, to the extent feasible, provide assurances that any data transferred pursuant to such *transactions* can be recovered,

irretrievably deleted, or otherwise rendered non-functional. The Department of Justice is also considering requiring applicants for specific licenses to use forms and procedures published by the Department of Justice, and allowing applicants and any other party in interest to request reconsideration of the denial of a license based on new facts or changed circumstances. The ANPRM seeks comment on this topic, including:

46. Would general and specific licenses be useful to regulated parties? Why or why not?

47. Should any or all specific licenses be published, provided that such publication complies with applicable laws and regulations (e.g., regarding the protection of confidential business information)? If so, how should they be published? How could the publication of specific licenses assist or harm regulated parties?

48. How should the Department of Justice assess or evaluate the purported costs of complying with the conditions of a general license or a specific license? Are the costs of reporting on licensed *transactions*, auditing them, or ensuring that they can be rendered non-functional if noncompliant likely to scale with *transaction size*? With data volume? Based on other factors?

49. What, if any, general licenses would be useful to assist in the industry's transition once the rules take effect? Why? Please be specific.

50. How should the Department of Justice assess time limitations on general licenses or specific licenses? For example, how should the Department of Justice calculate reasonable wind-down periods?

51. What factors should the Department of Justice assess when considering whether to grant or deny a specific license application?

52. Are there classes of data *transactions* that may become the subject of specific license applications that the Department of Justice should presumptively grant or presumptively deny? Why?

53. What is the technical feasibility of recovering, irretrievably deleting, or otherwise rendering non-functional data transferred pursuant to a licensed *covered data transaction*? What technical measures, solutions, or controls could be used for this purpose?

54. What forms or procedures should the Department of Justice consider when establishing the requirements for an application for a specific license?

55. Are there any aspects of the OFAC and BIS licensing processes that would be especially useful for this program? If so, which ones and why?

56. Are there any aspects of the OFAC and BIS licensing processes that would not be useful for this program? If so, which ones and why not?

#### K. Interpretive Guidance

The Order requires the Attorney General to “establish, as appropriate, mechanisms to provide additional clarity to persons affected by th[e] order

and any regulations implementing th[e] order.”<sup>12</sup> The Department of Justice is currently considering creating a program to provide guidance in the form of written advisory opinions, similar to processes used by OFAC and BIS, and by the Department of Justice with respect to the Foreign Corrupt Practices Act (FCPA) and the Foreign Agents Registration Act (FARA). The Department of Justice is considering permitting any *U.S. person* engaging in *covered data transactions* regulated by the program to request an interpretation of any part of these regulations from the Attorney General. Examples of such requests could include guidance on (1) whether a particular *transaction* is a *covered data transaction* and whether it is prohibited or restricted; (2) whether the Attorney General would be likely to issue a license governing a particular *data transaction*; and (3) whether a *person* satisfies the definitions of these regulations (e.g., *U.S. person*, *foreign person*, *covered person*). Consistent with other Federal advisory-opinion programs, the Department of Justice is considering requiring that advisory opinions may only be requested for actual—not hypothetical—*data transactions*, but need not involve only prospective conduct.

The Department of Justice is considering requiring requests for interpretive guidance to be made using forms and procedures published by the Department of Justice. These rules may include, for example: (1) a requirement that all requests must be made in writing; (2) a requirement that all requests must identify all participants in the *data transaction* for which the opinion is being sought (i.e., a prohibition on anonymous requests); (3) a requirement that the requesting party cannot use the advisory opinion, or permit it to be used, as evidence that the United States Government determined that the *data transactions* described in the advisory opinion are compliant with any Federal or State law or regulation other than the rules; and (4) a requirement that advisory opinions may be requested only for actual, not hypothetical, conduct.

The Department of Justice is also considering whether to publish some or all advisory opinions once issued, provided that such publication complies with applicable laws and regulations (e.g., regarding the protection of confidential business information). Finally, in addition to advisory opinions

<sup>12</sup> With respect to the security requirements, the Secretary of Homeland Security, in coordination with the Attorney General, shall issue any interpretive guidance.

addressing specific requests, the Department of Justice is considering the publication of more general interpretive guidance, such as Frequently Asked Questions.

The ANPRM seeks comment on this topic, including:

57. Would an advisory opinion process in general be useful? What effect, if any, should the issuance of an advisory opinion have for the party or parties who requested it? For third parties?

58. Should industry groups or other associations be permitted to request advisory opinions or interpretive guidance on behalf of one or more of their members (noting that such requests would still need to identify all relevant participants in a *data transaction*)?

59. Should some or all advisory opinions be published? How might the possibility of publication affect a request (noting that any publication would comply with applicable laws regarding confidential business information and similar topics)?

60. If the Department of Justice decides to publish some or all advisory opinions, how should it do so?

61. How should the Department of Justice address circumstances in which an advisory opinion no longer applies (e.g., the relevant *country of concern* at the time the opinion was issued no longer meets the requirements for being a *country of concern*)?

62. What forms or procedures should the Department of Justice consider when establishing the requirements for an acceptable advisory opinion request?

63. Are there additional models or other forms of interpretive guidance that the Department of Justice should consider? For example, should the Department of Justice be free to issue guidance even if no party has inquired about the relevant topic? Should these other forms of guidance be published? If so, how?

#### L. Compliance & Enforcement

The Order delegates to the Attorney General, in consultation with relevant agencies, the full extent of the authority vested in the President by IEEPA, and expressly states that the rules will “address the need for, as appropriate, recordkeeping and reporting of transactions to inform investigative, enforcement, and regulatory efforts.” The Department of Justice wishes to achieve widespread compliance, and to gather the information necessary to administer and enforce the program, without unduly burdening *U.S. persons* or discouraging *data transactions* that the program is not intended to address. Any enforcement guidance issued by the Department of Justice regarding the *security requirements* will be issued in coordination with the Department of Homeland Security.

Accordingly, the Department of Justice is currently considering creating and implementing a compliance and enforcement program modeled on the

Department of the Treasury’s IEEPA-based economic sanctions, which are administered by OFAC.

*Due diligence and recordkeeping.* With respect to due diligence and recordkeeping, the Department of Justice is considering a model in which *U.S. persons* subject to the contemplated program employ a risk-based approach to compliance by developing, implementing, and routinely updating a compliance program. The compliance program suitable for a particular *U.S. person* would be based on that *U.S. person’s* individualized risk profile and would vary depending on a variety of factors, including the *U.S. person’s* size and sophistication, products and services, customers and counterparties, and geographic locations. The Department of Justice is not proposing to prescribe general due-diligence or affirmative recordkeeping requirements on all *U.S. persons* engaged in *covered data transactions* with *foreign persons*. The Department of Justice is considering whether a *U.S. person’s* failure to develop an adequate due-diligence program would have consequences if that *U.S. person* violates the regulations, such as treating this failure as an aggravating factor in any enforcement action.

The Department of Justice is currently considering imposing affirmative due-diligence and recordkeeping requirements only as a condition of engaging in a restricted *covered data transaction* or as a condition of a general or specific license. This limited set of affirmative due-diligence and recordkeeping requirements would include “know your vendor” and “know your customer” requirements. Consistent with OFAC’s practice in IEEPA-based sanctions programs, the Department of Justice is considering requiring *U.S. persons* subject to the due-diligence requirements to keep records of their due diligence to assist in inspections and enforcement.

*Reporting.* Similarly, the Department of Justice is considering reporting requirements modeled on existing IEEPA-based reporting requirements. The contemplated program would not prescribe general reporting requirements for all *U.S. persons* engaged in *data transactions* with *foreign persons* (or even with all *covered persons*). Rather, the Department of Justice is considering requiring reporting only as conditions of certain categories of *U.S. persons* that are engaging in restricted *covered data transactions* or as conditions of a general or specific license, or in certain narrow circumstances to identify attempts to engage in prohibited *covered*

*data transactions*. DOJ is considering these reporting requirements to help DOJ identify *covered data transactions* that are the highest priority for ongoing compliance and enforcement efforts. The categories of *U.S. persons* subject to affirmative reporting requirements could include:

- A *U.S. person* that (a) is engaged in restricted *covered data transactions* involving *cloud computing services* or licensed *covered data transactions* involving *data brokerage* or *cloud-computing services*, and (b) has 25 percent or more of its equity interests owned (directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise) by a *country of concern* or *covered person*; or
- Any *U.S. person* that has received and affirmatively rejected an offer from another *person* to engage in a prohibited *covered data transaction* involving *data brokerage*.

Likewise, the Department of Justice is considering requiring any person granted a license under the rules to provide annual certifications supported by available documentation that they have abided by the terms of any license granted.

*Audits.* To assist in ensuring compliance with the *security requirements* for restricted *covered data transactions* and with licenses issued pursuant to the rules, the Department of Justice is considering whether to require a *U.S. person* to comply with certain conditions in conducting a restricted *covered data transaction* (whether conducted pursuant to a license or not) or a prohibited *covered data transaction* pursuant to a license. These conditions may include (i) appointing an accredited auditor to annually assess compliance with and the effectiveness of the *security requirements* or conditions of the license, and (ii) delivering the results of the audit to the Department of Justice. The audit will need to address (i) the nature of the *U.S. person’s covered data transaction* and (ii) whether it is in accordance with applicable *security requirements*, the terms of any license issued by the Attorney General, or any other aspect of the regulations.

*Investigation and enforcement.* To assist in the investigation of potential noncompliance with the rules, the Department of Justice is considering requiring any *U.S. person* “to keep a full record of, and to furnish under oath, in the form of reports or otherwise,” as may be required by the Attorney General, “complete information relative to” any *covered data transaction* subject to a prohibition or restriction. 50 U.S.C.



1702(a)(2). For the avoidance of doubt, neither the Order nor its implementing regulations will create any new right of access by the U.S. Government to *U.S. persons' sensitive personal data* or *government-related data*, or give the U.S. Government a new right to monitor *U.S. persons' communications*.

The Department of Justice is also considering establishing a process for imposing civil monetary penalties similar to the processes followed by OFAC and CFIUS, with mechanisms for pre-penalty notice, an opportunity to respond, and a final decision. Penalties could be based on noncompliance with the regulations, making material misstatements or omissions, making false certifications or submissions, or other actions or factors. The Department of Justice would, consistent with due-process requirements, give companies the relevant non-classified information that forms the basis of any enforcement action and a meaningful opportunity to respond.

The ANPRM seeks comment on this topic, including:

64. What additional guidance should the Department of Justice provide in describing what constitutes having “received and affirmatively rejected” a *covered data transaction* involving *data brokerage* for purposes of the reporting requirements?

65. Would reports about rejected *covered data transactions* involving *data brokerage* yield information that the Department of Justice could use to calibrate regulations, prioritize enforcement, and identify areas for further guidance in implementing the Order?

66. What new compliance and recordkeeping controls will *U.S. persons* anticipate needing to comply with the program as described in this ANPRM? To what extent would existing controls for compliance with other United States Government laws and regulations be useful for compliance with this program? How could the Department of Justice reduce the paperwork burden of any new compliance requirements?

67. What additional information will *U.S. persons* need to collect for compliance purposes as a result of this program?

68. What types of information would be useful to include in the know-your-customer and know-your-vendor due diligence described above? Do customers and vendors generally have this information readily available?

69. Is this due diligence already being done by *U.S. persons* in connection with *transactions* that would be *covered data transactions*—e.g., for other regulatory purposes, prudential purposes, or otherwise? If so, please explain. What, if any, third-party services are used to perform due diligence as it relates to *transactions* involving the *countries of concern* more generally?

70. What are the practicalities of complying with this obligation? What, if any, changes to the way that *U.S. persons* undertake due diligence would be required

because of this standard? What might be the cost to *U.S. persons* of undertaking such due diligence? Please be specific.

71. For how long should the Department of Justice consider requiring entities to retain records that the rules require them to maintain?

72. Are there additional examples of high-priority *data transactions* that should be included in the reporting requirement? Should any of the examples given above be excluded?

73. What should the Department of Justice's role be in nominating, approving, or otherwise participating in the selection of an accredited auditor charged with monitoring compliance with the *security requirements* or a license under the rules? What should the Department of Justice consider when reviewing a candidate to be an auditor under this provision? What types of service providers currently exist that could play this role?

74. How, if at all, should penalties and other enforcement mechanisms be tailored to the size, type, or sophistication of the *U.S. person* or to the nature of the violation?

75. What factors should the Department of Justice analyze when determining to impose a civil penalty, as well as the amount?

76. What, if any, additional procedural steps should the Department of Justice require as part of its process to impose penalties?

77. Other than noncompliance with the regulations, making material misstatements or omissions, and making false certifications or submissions, what other types of actions or factors should the Department of Justice consider as a predicate for a penalty?

78. What should the Department of Justice consider when deciding to issue a subpoena or other investigative demand pursuant to the rules?

79. Have limitations or complications arisen regarding the service of IEPPA-based subpoenas or investigative demands in the past under programs administered by other Federal agencies?

80. What transaction sources should the Department of Justice use to monitor compliance with this program?

#### *M. Coordination With Other Regulatory Regimes*

The Order requires the Department of Justice to address, as appropriate, coordination with other United States Government entities, such as CFIUS, OFAC, BIS, and other entities implementing relevant programs, including those implementing Executive Order 13873 of May 15, 2019 (Securing the Information and Communications Technology and Services Supply Chain) and Executive Order 14034 of June 9, 2021 (Protecting Americans' Sensitive Data From Foreign Adversaries); and Executive Order 13913 of April 4, 2020 (Establishing the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector). The Department of Justice does not currently intend or

anticipate that this program will have significant overlap with existing authorities. Existing authorities do not provide prospective, categorical rules to address the national-security risks posed by *transactions* between *U.S. persons* and *countries of concern* (or persons subject to their ownership, control, jurisdiction, or direction) that pose an unacceptable risk of providing those countries with *access to bulk U.S. sensitive personal data* or *government-related data*.

With respect to *investment agreements* between *U.S. persons* and *countries of concern* (or *covered persons*) that are also “covered transactions” subject to CFIUS review, *see generally* 50 U.S.C. 4565, the Department of Justice is considering an approach in which this program would independently regulate, as restricted *covered data transactions*, *investment agreements* that are also “covered transactions” subject to review by CFIUS, unless and until CFIUS enters into or imposes mitigation measures to resolve national-security risk arising from a particular covered transaction (a “CFIUS Action”). A CFIUS Action could take the form of, for example, a CFIUS interim order, a CFIUS determination to conclude action with respect to a covered transaction based on an order or mitigation agreement of data-security risks, or CFIUS's entry into a mitigation agreement governing the voluntary abandonment of the covered transaction. Once such a CFIUS Action occurs, the program proposed under this ANPRM would cease to apply to the particular *investment agreement* that constitutes the covered transaction subject to the CFIUS Action. This exemption in the regulations would apply categorically for all covered transactions that are subject to a CFIUS Action; the Department of Justice would not be required to issue a specific license for each *investment agreement* addressed by a CFIUS Action.

This approach would preserve CFIUS's authority to develop bespoke protections to mitigate risks arising from *investment agreements* that also qualify as CFIUS covered transactions—or recommend the President prohibit such a covered transaction—where CFIUS deems such action necessary to address national security risk arising from the covered transaction and would ensure that parties do not have overlapping obligations under more than one regulatory regime. To the extent that CFIUS identifies an unresolved national-security risk regarding access to sensitive personal data that arises from a particular covered transaction, the program's *security requirements*

would set an important baseline for CFIUS to draw on in mitigating the unresolved risk, consistent with CFIUS's transaction-specific approach. Under this approach, a CFIUS Action would not be considered to have occurred where CFIUS has not reviewed a particular *investment agreement* or action concludes with respect to an *investment agreement* without any mitigation of data-security risks. In those instances, this program would continue to independently regulate the *investment agreement* as a restricted *covered data transaction*. This approach allows this program to continue to address risks that may arise outside of CFIUS's reach, such as (1) risks associated with *investment agreements* that are not "covered transactions" and thus outside of CFIUS's authority (e.g., non-controlling investments involving sensitive personal data below CFIUS's one-million-person threshold or data that is not identifiable); (2) risks associated with "covered transactions" where the risk does not "arise[] as a result of the covered transaction," 50 U.S.C. 4565(l)(3)(A)(i); and (3) risks that may arise in the temporal gap that occurs after parties enter into an *investment agreement* but before the particular covered transaction is filed with CFIUS and becomes subject to a CFIUS Action.

This proposed approach contemplates that CFIUS would retain its existing authority to enforce CFIUS Actions, and DOJ would retain the authority to enforce violations of obligations under the program. Since the program would no longer apply to a particular *covered data transaction* once a CFIUS Action has been taken, CFIUS and the data-security regulations would not create dual or overlapping obligations: Violations of the obligations under the data-security regulations could occur only before the occurrence of the CFIUS Action. DOJ would retain authority, at any time, to enforce any violations of obligations under the program that were committed while the program applied to the *covered data transaction*, even if the enforcement action occurs after a CFIUS Action has occurred. In such instances, DOJ would coordinate with CFIUS.

Regardless of the manner in which the regulations address *investment agreements*, the program's other rules for classes of *covered data transactions* would still apply. Even if the program proposed under this ANPRM ceased to apply to a particular *investment agreement* subject to a CFIUS Action, U.S. persons would still have to comply with the program's rules for *covered data transactions* involving data brokerage, the provision of bulk human

genomic data and human biospecimens, *vendor agreements*, *employment agreements*, and other *investment agreements* not subject to a CFIUS Action.

The ANPRM seeks comment on this topic, including:

81. How should the program address *investment agreements* that are also "covered transactions" subject to the jurisdiction of CFIUS? What are the pros and cons of the approach under consideration?

82. In terms of compliance, what are the considerations with the approach described above where this program would govern unless or until a CFIUS Action occurs?

83. What other potential overlaps or gaps, if any, may exist between the program contemplated here and existing authorities? How should this program address them? In particular, should the Department of Justice consider any adjustments to the program contemplated here in light of the consumer-reporting rulemaking under the Fair Credit Reporting Act that the Consumer Financial Protection Bureau is considering? See Final Report of the Small Business Review Panel on the CFPB's Proposals and Alternatives Under Consideration for the Consumer Reporting Rulemaking (Dec. 15, 2023), [https://files.consumerfinance.gov/f/documents/cfpb\\_sbrefa-final-report\\_consumer-reporting-rulemaking\\_2024-01.pdf](https://files.consumerfinance.gov/f/documents/cfpb_sbrefa-final-report_consumer-reporting-rulemaking_2024-01.pdf) [<https://perma.cc/K75B-MKR3>].

#### N. Economic Impact

The Department of Justice is committed to ensuring that the contemplated program is carefully scoped to the kinds of data *transactions* that present unacceptable national-security risks and minimizes unintended economic impacts. The Department of Justice currently anticipates that this program would have the following economic impacts.

For each of the two classes of prohibited *covered data transactions* (those involving data brokerage and those involving the provision of human genomic data or human biospecimens from which that data can be derived), the Department of Justice anticipates that the primary economic impacts will fall into two categories: (1) direct costs in the form of the lost economic value of the *covered data transactions* that are prohibited or forgone, and (2) indirect costs, such as the compliance costs to perform due diligence to ensure that transactions with foreign persons comply with the prohibitions. For each of the three classes of restricted *covered data transactions* (*vendor agreements*, *employment agreements*, and *investment agreements*), the Department of Justice anticipates that the primary economic impacts will fall into two categories: (1) direct costs in the form of the lost economic value of *covered data transactions* that are prohibited or

forgone, and (2) indirect costs, such as the costs of complying with the *security requirements* to conduct restricted *covered data transactions* and with the reporting requirements.

*Direct costs.* As a preliminary matter, there does not appear to be a complete or reliable estimate of the markets for, or economic value of, each of these classes of *covered data transactions*—especially at the level of granularity required to accurately account for the details of the contemplated program, such as the specific classes of prohibited and restricted *covered data transactions*, the *countries of concern*, the kinds of *sensitive personal data*, the classes of exempt *transactions* (such as financial-services *transactions*), and other carve-outs and definitions being considered for this program.

For example, with respect to data brokerage, estimates for the total global data broker market vary widely from around \$50 billion to over \$300 billion and do not appear to have clear or reliable methodologies whose validity can be easily assessed.<sup>13</sup> The United States is widely perceived as the largest market for data brokerage; for instance, major U.S. data brokerage firms report that a majority of their global revenues come from the domestic market and that Asia-Pacific revenues (which are not broken down further for markets for specific countries) account for approximately one to six percent of their global markets.<sup>14</sup> Likewise,

<sup>13</sup> See, e.g., Catherine Tucker & Nico Neumann, *Buying Consumer Data? Tread Carefully*, Harvard Business Review (May 1, 2020), <https://hbr.org/2020/05/buying-consumer-data-tread-carefully> [<https://perma.cc/GDY3-AWKQ>]; OnAudience, *Global Data Market Size: 2017–2021* at 4, 8 (Nov. 2020), <http://pressmania.pl/wp-content/uploads/2020/12/Global-Data-Market-Size-2017-2021-OnAudience-Report.pdf> [<https://perma.cc/7NQS-3TXK>]; Knowledge Sourcing Intelligence, *Global Data Broker Market Size, Share, Opportunities, COVID-19 Impact, And Trends By Data Type (Consumer Data, Business Data), By End-User (BFSI, Retail, Automotive, Construction, Others), And By Geography—Forecasts from 2023 to 2028* (June 2023), <https://www.knowledge-sourcing.com/report/global-data-broker-market> [<https://perma.cc/2ED8-WU9K>]; Transparency Market Research, *Data Brokers Market* (July 2022), <https://www.transparencymarketresearch.com/data-brokers-market.html> [<https://perma.cc/GL3M-MQMR>]; Maximize Market Research, *Data Broker Market: Global Industry Analysis and Forecast (2024–2030)* (Jan. 2024), <https://www.maximizemarketresearch.com/market-report/global-data-broker-market/55670/> [<https://perma.cc/V2VJ-VX9A>].

<sup>14</sup> See, e.g., TransUnion, *TransUnion Announces Fourth Quarter 2022 Results* (Feb. 14, 2023), <https://newsroom.transunion.com/transunion-announces-fourth-quarter-2022-results/> [<https://perma.cc/S8QW-D8RS>]; Experian, *Trading update, first quarter* (July 13, 2023), <https://www.experianplc.com/content/dam/marketing/global/plc/en/assets/documents/results-and->

although trade in services data from the U.S. Bureau of Economic Analysis (BEA) provides an alternative potential approach for identifying cross-border transactions in sensitive personal data, the BEA data is not measured in a way that allows any direct comparison to the program contemplated here. The BEA categories of “Database and Other Information Services” and “Telecommunications, Computer, and Other Information Services” appear to be the two closest. But those BEA categories are over-inclusive and under-inclusive relative to the categories of *covered data transactions* that would be prohibited or restricted under the contemplated program: These two BEA categories, for instance, include trade that would be outside the scope of the contemplated program, such as kinds of data (e.g., web-browser history) and activities (e.g., computer hardware, dissemination of data and databases like directories, mailing lists, and web-search portals, newspaper and periodical subscriptions, and library/archive services). Similarly, for instance, these two BEA categories exclude transactions that would be within the scope of the contemplated program, such as activity from advertising, trade in human genomic data, and exports by credit bureaus (which report their data exports separately under the broader heading of “Financial Services”). Nevertheless, as a point of comparison, the BEA data suggests that, in 2022, the United States exported \$317 million in “Database and Other Information Services” to China and a combined \$3.4 billion in “Telecommunications, Computer, and Other Information Services” to China and Hong Kong.

For restricted *covered data transactions*, the net direct lost economic value will also depend on the extent to which *U.S. persons* continue to pursue otherwise-prohibited *vendor agreements*, *employment agreements*, and *investment agreements* in compliance with the *security requirements*. Where *U.S. persons* determine not to pursue vendor, employment, or investment agreements with *covered persons*, the net cost will depend on the extent to which such agreements can be easily replaced with vendors, employers, and investors that will not be subject to such restrictions. It is plausible, for example, that—faced with higher costs associated with executing a vendor agreement with a vendor based in a *country of concern*—a U.S. company will opt to drop its data-

processing contract with that vendor and instead rely on a vendor based outside of a *country of concern*. Relative to the current status quo, this switch could represent a financial loss to the original U.S. company (which could now face a higher cost for data processing) while providing a net gain to the alternative data processing vendor. The opposite could also be true: that the relevant costs associated with complying with this program would not justify a U.S. business switching from a vendor based in a *country of concern* but instead would justify continuing with that vendor by implementing the security requirements.

We request economic data to further evaluate these direct costs.

*Indirect costs.* In addition to the direct costs of prohibited and restricted *covered data transactions*, U.S. companies that handle and transfer *bulk U.S. sensitive personal data* or *government-related data* may also incur costs to ensure that they are complying with the contemplated program. The universe of firms that transact in *bulk U.S. sensitive personal data* is larger than the subset of such firms that knowingly transfer such data to *countries of concern* or *covered persons*; this larger universe of firms will need to undertake some due-diligence measures to ensure their typical data transfers are not in fact going to *countries of concern* or *covered persons* (for prohibited *covered data transactions*) and to comply with the *security requirements* (for restricted *covered data transactions*). Such compliance costs will vary by sector and size of firm.

For prohibited *covered data transactions*, the costs of due diligence would likely vary significantly across companies, as with the costs of compliance for economic sanctions, export controls, and other national-security and law-enforcement regulations. As explained above, the contemplated program would employ a risk-based approach, like sanctions and export controls, in which regulated *U.S. persons* implement compliance programs based on their individualized risk profiles. For example, in addition to complying with other aspects of the contemplated program, the upfront due-diligence compliance costs for companies with robust existing compliance programs (such as sanctions and export controls) may be lower, whereas other companies with less robust compliance programs or no existing compliance programs may incur greater costs. Any estimate of due-diligence compliance costs would benefit greatly from more robust information on the size of the industries

for each of the classes of prohibited *covered data transactions*, per-company costs, and per-transaction costs.

Similarly, for restricted *covered data transactions*, the costs of complying with the *security requirements* will vary across U.S. companies depending on the level of cybersecurity maturity. At one end of the spectrum, many U.S. companies already have foundational baseline cybersecurity protocols and technology in place, and may face only the marginal cost of tailoring or re-deploying those existing protocols and technology against the particular *security requirements* contemplated here. At the other end of the spectrum, other U.S. companies with less mature cybersecurity programs may face greater costs to acquire and implement baseline cybersecurity protocols and technology. The overall costs to comply with the *security requirements* will depend on the number and distribution of U.S. companies within the markets for the classes of restricted *covered data transactions* with *countries of concern*. Economic reasoning suggests, however, that companies that choose to deploy security measures to conduct restricted *covered data transactions* would not incur compliance costs that are greater than the revenue they could realize by implementing these measures.

For *U.S. persons* that do find they need to invest in additional due-diligence programs to ensure compliance with the *security requirements*, such spending may also create offsetting benefits in the form of lower risks of data breaches and cyber attacks. For example, a July 2023 study noted that the global average cost of a data breach was \$4.45 million the previous year and a 15% increase over the previous three years.<sup>15</sup>

*U.S. persons* subject to the reporting requirements may also incur costs to comply with the reporting requirements—costs that may also vary by company depending on their individualized risk profile.

The net impact of these indirect costs appears difficult to measure accurately with available data. We request economic data to support measurement of these indirect costs.

The ANPRM seeks comment on this topic, including:

<sup>15</sup> Industrial Cyber, *Data breach costs for critical infrastructure sector exceed \$5 million, as time ‘new currency’ in cybersecurity* (July 25, 2023), <https://industrialcyber.co/reports/data-breach-costs-for-critical-infrastructure-sector-exceed-5-million-as-time-new-currency-in-cybersecuritydata-breach-costs-for-critical-infrastructure-sector-exceed-5-million-as-time-new/> [https://perma.cc/3QD7-37CN].

84. To what extent do the current markets for the classes of *covered data transactions* involve the categories of *sensitive personal data* contemplated here? What is the average estimated commercial value of these *covered data transactions*? What are reliable sources of information on the size, extent, and growth of the markets for each of the classes of prohibited and restricted *covered data transactions*?

85. What is the value of *covered data transactions* with *countries of concern* that would be impacted by this regulation?

86. How many *covered data transactions* with *countries of concern* or *covered persons* that meet the bulk threshold requirements are typically conducted each year?

87. What are the economic sectors that will be expected to be impacted by the regulation? What is the average size, in both revenue and number of employees, of the firms impacted by the regulation? What is the expected impact per firm, as a percentage of overall revenue? What are the program's likely effects on existing jobs and new employment opportunities for affected firms and sectors?

88. What specific types of data are involved in *covered data transactions* that involve *data brokerage*? What is the general purpose of these transactions? How is this data stored? Is *U.S. persons'* data that is sold to customers in *countries of concern* stored on or retrieved from the same systems used to store or retrieve *U.S. persons'* data sold to customers outside the *countries of concern*? If not, what segmentation exists?

89. What kinds of best practices do *U.S. persons* engaged in *data brokerage* implement to screen potential customers in the *countries of concern* (or markets that present similar risk profiles)? How widely implemented are these best practices in the industry?

90. What is the estimated economic size of the *data brokerage* market? What are the best, most reliable sources of data for the size, extent, and growth rate of this market? What is the average value of a *covered data transaction* involving *data brokerage*?

91. How can service providers be grouped in the third-party *data brokerage* market? What is the difference between a large, medium, and small broker? How consolidated is the market? What are key factors, business features or other models that providers use to differentiate themselves? To what degree are providers differentiated by features other than the size and scope of individual data sets?

92. What are the estimated sizes of the global *data brokerage* market for each of the six types of data identified in this contemplated regulation (i.e., *covered personal identifiers*, *personal financial data*, *precise geolocation data*, *personal health data*, *biometric identifiers*, *human genomic data*)? What is the estimated size of each of these markets in the United States and each of the identified *countries of concern*?

93. What is the estimated transaction volume for the *data brokerage* market (both first-party and third-party brokerage)? What percentage of these transactions involve one or more of the six categories of regulated *sensitive personal data*? What percentage of these transactions involves a *country of concern*?

94. How are transactions conducted in the *data brokerage* market? What percentage of the economic value of this market involves transfer of data? What percentage involves subscription *access* to centrally managed databases? What percentage involves analyzed or processed data? What percentage involves *access* to raw, unprocessed data?

95. To what extent do *U.S. persons* engaged in *data brokerage* use any service providers in *countries of concern* connected to their brokerage activities—such as hiring outsourcing companies for cleaning and labeling datasets or signing agreements with cloud service providers to store datasets? What is the estimated economic value of these services?

96. How many firms will be impacted by the prohibition on the use of vendors from *countries of concern*? What will be the average cost per firm of switching from vendors subject to restrictions to vendors not subject to restrictions? Which sectors will they be in? What will be the average size of such a firm?

97. Are there any sectors, markets, or product or service categories where, after excluding restricted vendors, there is unlikely to be a sufficient number of firms available to supply the overall level of service required by the market?

98. What proportion and segments of the *cloud-computing services* market will be impacted by this regulation? What will be the specific impacts on the cloud infrastructure, platform, and services markets? What will be the impact on *U.S. cloud computing* companies seeking to do business in *countries of concern*?

99. What will be the impact on *cloud-computing service* companies based in *countries of concern*? Are there circumstances under which *U.S. companies* may still wish or be required to do business with *cloud-computing service* companies based in *countries of concern* after the implementation of this regulation? In these circumstances, will *U.S. companies* still be able to conduct necessary business after the implementation of this regulation?

100. What will be the economic impact of prohibiting any *covered data transaction* that provides a *country of concern* or *covered person* with *access* to bulk *U.S. human genomic data* and human biospecimens from which that *sensitive personal data* can be derived, taking into account the proposed exemptions?

101. What sectors are involved in *access* to bulk *U.S. human genomic data* and human biospecimens? Are there any sectors that involve *access* to one, but not both, of these categories? What is the estimated size of these markets, as well as the overall volume and value of the *covered data transactions* involving this type of data?

102. What types of commercial transactions involve *human genomic data* and human biospecimens? Do any of these transactions involve exchange of the data? Do any of these transactions involve *access* to—but not exchange of—this sensitive personal data?

103. Is there sufficient commercial demand available outside *countries of concern* to replace demand lost as a result of the

prohibition, and if so, where is such demand located? What is the timeline for pivoting to meet new demand?

104. What percentage of the *U.S. workforce* would be affected by the restrictions on *employment agreements*? How many firms will be impacted by this prohibition? Which sectors will they be in? What will be the average size of such a firm?

105. What will be the major cost components of a regulatory compliance program? What will be the average cost of each of these components per firm? Which of these components will be flat cost, regardless of the size of firm? Which will have a variable, per-employee cost?

106. What is the estimated cost of implementing the *security requirements* contemplated in the regulation on a per-firm basis? What are the basic components of these costs? Which of these components are fixed, one-time costs? Which will be ongoing, recurring costs?

107. How could the Department of Justice mitigate the costs of compliance, particularly for small- and medium-sized enterprises? Are there measures that could be taken to reduce the economic impact of the regulatory regime without altering the fundamental scope or thresholds associated with the regulation?

108. Are there legitimate commercial reasons for a *covered person* to *access* data or information covered as part of the classes of restricted *covered data transactions*? To what degree will an inability to *access* this data affect that company's ability to provide goods or services to *U.S. companies* and individuals?

109. What would be the commercial impact on *U.S. persons* if *countries of concern* must conduct business in the United States without *access* to data covered by restricted *covered data transactions*? Are there other economic arrangements by which a company could obtain the benefits of the data without directly *accessing* the data itself?

110. What additional costs and benefits should the Department of Justice consider, and how should they be estimated? Is there additional data on the economic costs and benefits that the Department of Justice should examine?

## O. Overarching and Additional Inquiries

111. What additional example scenarios should the Department of Justice consider, evaluate, and address in a proposed rulemaking to provide clarity?

112. What time, if any, will *U.S. persons* that are currently engaged in the prohibited *covered data transactions* contemplated here need to wind-down those transactions? What time, if any, will *U.S. persons* that are currently engaged in the restricted *covered data transactions* contemplated here need to comply with the *security requirements* or else wind-down those transactions?

113. What costs would be incurred by maintaining the status quo (i.e., forgoing the contemplated regulations) with respect to any of the classes of prohibited and restricted *covered data transactions* under consideration?

114. Are there additional topics on which the Department of Justice should be seeking

comment? If so, what are they and what is their relevance?

#### IV. Regulatory Certifications

This ANPRM has been drafted and reviewed in accordance with the Principles of Regulation in section 1(b) of Executive Order 12866 of September 30, 1993 (Regulatory Planning and Review), as amended by Executive Order 14094 of April 6, 2023 (Modernizing Regulatory Review), and in accordance with the General Principles of Regulation in section 1(b) of Executive Order 13563 of January 18, 2011 (Improving Regulation and Regulatory Review). This ANPRM is a “significant” regulatory action pursuant to Executive Order 12866, as amended by Executive Order 14094 and, accordingly, has been reviewed by the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB). This action does not propose or impose any requirements; rather, this ANPRM is being published to seek information and comments from the public to inform the notice of proposed rulemaking required to implement the Order.

The requirements of the Regulatory Flexibility Act do not apply to this action because, at this stage, it is an ANPRM and not a “rule” as defined in 5 U.S.C. 601.

Following review of the comments received in response to this ANPRM, the Department of Justice will conduct all relevant analyses as required by statute or Executive order for the notice of proposed rulemaking required to implement the Order.

Dated: February 28, 2024.

**Matthew G. Olsen,**

*Assistant Attorney General for National Security.*

[FR Doc. 2024–04594 Filed 3–4–24; 8:45 am]

**BILLING CODE 4410–PF–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 64

[CG Docket No. 02–278; FCC 24–24; FR ID 205124]

#### Strengthening the Ability of Consumers To Stop Robocalls

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In this document, the Federal Communications Commission (Commission) seeks comment on whether the Telephone Consumer Protection (TCPA) applies to robocalls

and robotexts from wireless providers to their own subscribers and therefore whether such providers must have consent to make robocalls and send robotexts to their own subscribers. To the extent that wireless providers have consent to robocall or robotext their own subscribers, the Commission seeks comment on whether wireless subscribers can exercise their right to revoke such consent by communicating a revocation of consent request to their wireless provider and that such requests must be honored. In addition, the Commission seeks comment on a request to require automated opt-out mechanisms on every call that uses an artificial or prerecorded voice.

**DATES:** Comments are due on or before April 4, 2024, and reply comments are due on or before April 19, 2024. Written comments on the Paperwork Reduction Act (PRA) proposed information collection requirements must be submitted by the public, Office of Management and Budget (OMB), and other interested parties on or before May 6, 2024.

**ADDRESSES:** Pursuant to §§ 1.415 and 1.419 of the Commission’s rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated in this document. Comments and reply comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Interested parties may file comments or reply comments, identified by CG Docket No. 02–278 by any of the following methods:

- **Electronic Filers:** Comments may be filed electronically using the internet by accessing ECFS: <https://www.fcc.gov/ecfs/>.

- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing.

- Filings can be sent by 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. See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (March 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

**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.

**FOR FURTHER INFORMATION CONTACT:** For further information, please contact Richard D. Smith, Competition Policy Division, Consumer and Governmental Affairs Bureau, at [Richard.D.Smith@fcc.gov](mailto:Richard.D.Smith@fcc.gov) or at (717) 338–2797. For additional information concerning the Paperwork Reduction Act proposed information collection requirements contained in this document, send an email to [PRA@fcc.gov](mailto:PRA@fcc.gov) or contact Cathy Williams at (202) 418–2918.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s Further Notice of Proposed Rulemaking (FNPRM) in CG Docket No. 02–278, adopted on February 15, 2024, and released on February 16, 2024. The full text of this document is available for public inspection at the following internet address: <https://docs.fcc.gov/public/attachments/FCC-24-24A1.pdf>. To request materials in accessible formats for people with disabilities (e.g., braille, large print, electronic files, audio format, etc.), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice).

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 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).

#### Paperwork Reduction Act

This document may contain proposed new or modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and OMB to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of

1995, Public Law 104–13. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

### Providing Accountability Through Transparency Act

The Providing Accountability Through Transparency Act, Public Law 118–9, requires each agency, in providing notice of a rulemaking, to post online a brief plain-language summary of the proposed rule. The required summary of the Further Notice of Proposed Rulemaking is available at <https://www.fcc.gov/proposed-rulemakings>.

### Synopsis

#### A. Wireless Provider Exemption

1. The Commission seeks comment on whether the TCPA applies to robocalls and robotexts from wireless providers to their own subscribers and therefore such providers must have consent to make prerecorded voice, artificial voice, or autodialed calls or texts to their own subscribers. The Commission seeks comment on whether wireless providers satisfy any TCPA consent obligation pursuant to the unique nature of the relationship and service that they provide to their subscribers. Specifically, the Commission asks whether wireless providers require additional consent beyond that provided by the unique nature of this relationship with their subscribers to satisfy this requirement. To the extent that wireless providers have consent to robocall or robotext their own subscribers, the Commission proposes that wireless subscribers, as any other called party, be able to revoke such consent by communicating a revocation of consent request to their wireless provider and that such request must be honored. The Commission seeks comment on these issues as set forth in more detail below.

2. In the 2023 TCPA Consent NPRM, published at 88 FR 42034 on June 29, 2023, the Commission proposed to require wireless providers to honor their customers' requests to cease robocalls and robotexts. To effectuate this result, the Commission proposed at that time to create and codify a qualified exemption—based on its authority under section 227(b)(2)(C)—for informational robocalls and robotexts from wireless providers to their subscribers, subject to certain conditions including honoring requests

to opt out of such communications. In response to requests for comments on this proposal, wireless providers suggest that the TCPA's prohibitions do not apply to communications from wireless providers to their subscribers because there is no charge to the subscriber and they have a unique relationship with their subscribers. In light of these arguments, the Commission now revisits that proposal.

3. The Commission now seeks further comment on the argument that, pursuant to the 1992 TCPA Order, published at 57 FR 48333 on October 23, 1992, or statutory language, wireless providers are wholly excluded from the application of the TCPA's requirement to obtain consent before robocalling or robotexting their own subscribers because there is no charge imposed on the subscriber. In 1992, the Commission concluded that wireless carriers need not obtain “additional consent” prior to initiating autodialed, artificial voice, or prerecorded voice calls to their own subscribers. Although it stated that such robocalls could be made by wireless providers to their own subscribers without a charge, the Commission did not specify whether it intended to wholly exclude wireless providers from the statutory obligation to obtain consent based solely on the calls being free to the called party. Moreover, shortly following this ruling Congress amended the TCPA to grant the Commission express statutory authority to exempt from the prior-express-consent requirement calls to wireless numbers that are not charged to the called party subject to such conditions as the Commission deems necessary to protect the privacy rights afforded under the TCPA. Section 227(b)(2)(C)'s authority to grant exemptions from the prior-express-consent requirement is predicated on the ability of callers to make such calls with no charge to the consumer. The Commission believes Congress could not have meant the pre-amended TCPA to exempt free calls from the consent requirement because its amendment describes exactly how the Commission must go about that, including an analysis of each type of exempted call and an affirmative showing that such an exemption does not unduly harm consumer privacy.

4. Similarly, the Commission is not persuaded that the pre-amended TCPA itself exempts robocalls to wireless subscribers for which there is no charge. The TCPA prohibits robocalls absent an emergency purpose or with the prior express consent of the called party “to any telephone number assigned to a paging service, cellular telephone service, specialized mobile radio

service, or other radio common carrier service, or any service for which the called party is charged for the call.” As the Court of Appeals for the Eleventh Circuit explained in interpreting this provision: “[t]he rule of the last antecedent requires the phrase ‘for which the called party is charged for the call,’ [in section 227(b)(1)], ‘to be applied to the words or phrase immediately preceding (*i.e.*, ‘any service’), and not to be construed as extending to or including others more remote.” As the court concluded “[i]f the phrase ‘any service for which the called party is charged for the call’ requires that the party be charged per call for the ‘paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service’ in order for the party to prohibit autodialed calls, then the listing of these services would be superfluous because they are already included under the term ‘any service for which the called party is charged.’” Another Federal circuit court decision has reached the same conclusion.

5. This interpretation of the relevant statutory provision is consistent with the Commission's own treatment of robocalls to wireless numbers for which there is no charge to the called party. For example, the Commission has allowed certain specific categories of robocalls to wireless telephone numbers that can be made without a charge to the called party only when they have been granted an exemption from the TCPA's consent obligation. The Commission, therefore, seeks comment on the contention that either the 1992 TCPA Order or the TCPA itself wholly excludes wireless providers from the TCPA's consent requirement when communicating with their own subscribers solely because their calls and texts are free to their subscribers. Rather, read in light of the subsequent statutory amendment, the Commission believes the 1992 TCPA Order's reference to the ability of wireless providers to communicate with their subscribers without imposing any charge on those subscribers is an example of the unique nature of the wireless provider and subscriber relationship that supported the Commission's conclusion that such providers need not obtain “additional consent” under the TCPA to robocall their own subscribers. The Commission seeks comment on this analysis.

6. Should the Commission determine that wireless providers are required to obtain consent and have effectively obtained consent to make robocalls and send robotexts to their own subscribers by virtue of their unique relationship



with their subscribers, the Commission seeks comment on whether this consent should extend to robocalls and robotexts that contain telemarketing or advertisements. In 2012, the Commission adopted rules requiring prior express consent to be obtained in writing for autodialed or prerecorded telemarketing calls to wireless numbers. In so doing, however, the Commission has not extended this requirement to robocalls made by a wireless provider to their own subscribers. As a result, the Commission seeks comment on whether it should revisit this issue to require prior express written consent to be obtained for any such robocall or robotext that contains telemarketing or advertising.

7. The Commission seeks comment on whether the right to revoke consent extends to wireless subscribers when they receive unwanted robocalls and robotexts from their wireless provider, just as it does to any robocalls or texts sent pursuant to the TCPA. As a result, the Commission seeks comment on whether wireless providers must honor any revocation or opt-out requests from their own subscribers that are made through any reasonable means and at any time. The Commission seeks comment on whether, if it were to find wireless providers have consent based on having a unique relationship with their subscribers, the Commission should codify a new rule to that effect that would make clear consumers also have a right to revoke consent to such communications. Although many of the messages sent by wireless providers to their own subscribers may be welcome and provide useful information, as wireless commenters suggest, the Commission does not believe there is any reason to deprive wireless subscribers of the same right to exercise revocation of consent when they make an affirmative request not to receive such communications. In this circumstance, the subscriber has made clear that they do not wish to receive such further communications from their wireless provider regardless of the merits of the robocalls and robotexts that they receive. The record in this matter confirms that at least some wireless subscribers do not wish to receive these communications from their wireless provider.

8. The Commission does not believe that any obligation to honor revocation requests is unduly burdensome to wireless providers. In fact, the record suggests that some wireless providers already honor opt-out requests on many communications to subscribers. Other callers have implemented such measures for decades to comply with

the Commission's rules. Nevertheless, the Commission seeks comment on ways to reduce any new burdens such a requirement might entail, including for smaller wireless providers. The Commission seeks comment on this proposal and any other issues commenters may wish to raise in this context, including any alternative proposals set forth in the TCPA Consent NPRM that would allow it to balance consumer privacy rights without unduly interfering with the ability of wireless providers to communicate critical information to their subscribers.

9. Having proposed to confirm that wireless providers are subject to the TCPA when communicating with their subscribers, the Commission seeks comment on whether wireless providers have effectively obtained consent to make robocalls and send robotexts to their own subscribers by virtue of their unique relationship with their subscribers. Several wireless providers citing the 1992 TCPA Order contend that an inherent unique relationship renders it unnecessary to obtain any additional form of consent to communicate with their own subscribers.

10. Wireless providers are in a unique position to accurately obtain, track, and maintain records of their subscribers' activities, including prepaid subscribers, to ensure that they are sent critical, time-sensitive information to avoid inadvertently losing their wireless service or experiencing bill shock from overages or roaming fees. The Commission has acknowledged the benefit of these communications and has encouraged wireless providers to send them to their wireless subscribers. In some instances, the Commission's rules require these communications so that, for example, low-income consumers do not inadvertently lose benefits that make their service affordable. The ability to provide such information is a unique function of the wireless provider and subscriber relationship that advances the interests of consumers by ensuring they are informed of any potential risk to the ongoing provision of their wireless service. As a result, the Commission agrees that wireless providers have a unique relationship that allows them to send critical information to their subscribers that their subscribers may welcome. In addition, wireless providers are in a unique position in that they offer the specific service over which these communications are made, including the provision of the unique telephone number at which subscribers are contacted over that service. The Commission seeks comment on whether

the nature of this unique relationship and service continues to render it unnecessary for wireless providers to obtain any additional consent from their subscribers, as the Commission concluded in the 1992 TCPA Order. The Commission seeks comment on whether that view is incorrect, *e.g.*, because the TCPA requires a more affirmative statement from a consumer that they consent to robocalls. Parties arguing for this conclusion should state whether such a view could upset the status quo such that millions of subscribers who may currently receive robocalls and robotexts they welcome from their providers would no longer be able to receive them unless they take steps to consent. And, if so, the Commission seeks comment on how it should proceed to avoid inadvertently disrupting the flow of information that wireless subscribers have come to expect or burdening wireless providers with the necessity of obtaining such consent from their existing subscribers.

#### *B. Expanding Opt-Out Requirements*

11. The Commission seeks comment on the National Consumer Law Center's (NCLC) request that the Commission amend section 64.1200(b)(3) of its rules to require an automated opt-out mechanism on every call that contains an artificial or prerecorded voice. NCLC argues that consumers "complain about the seemingly unstoppable" prerecorded non-marketing calls from entities such as medical professionals and, in NCLC's view, that would harmonize the treatment of such calls with those to residential lines. The Commission seeks comment on this proposal, including whether such a change is necessary and what the compliance costs of such a change would be on callers including any alternatives that would minimize compliance burdens on smaller entities.

#### **Initial Regulatory Flexibility Analysis**

12. As required by the Regulatory Flexibility Act of 1980, as amended (RFA) the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies proposed in this Further Notice of Proposed Rulemaking (FNPRM). 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 in the FNPRM. The Commission will send a copy of this FNPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the FNPRM and the

IRFA (or summaries thereof) will be published in the **Federal Register**.

*A. Need for, and Objectives of, the Proposed Rules*

13. In the *FNPRM*, the Commission seeks comment on whether the TCPA applies to robocalls and robotexts from wireless providers to their own subscribers and therefore such providers must have consent to make prerecorded voice, artificial voice, or autodialed calls or texts to their own subscribers. The Commission seeks comment on whether wireless providers satisfy the TCPA's consent obligation pursuant to the unique nature of the relationship and service that they provide to their subscribers. To the extent that wireless providers have consent to robocall or robotext their own subscribers, the Commission seeks comment on whether wireless subscribers, as any other called party, can exercise their right to revoke such consent by communicating a revocation of consent request to their wireless provider and that such request must be honored. Lastly, the Commission seeks comment on a request to amend its rules to require automated opt-out mechanisms for every non-telemarketing call that uses an artificial or prerecorded voice that can be used by the called party to stop such calls.

*B. Legal Basis*

14. The proposed action is authorized pursuant to section 227 of the Communications Act of 1934, as amended.

*C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply*

15. 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 and policies, 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 SBA.

16. Small Businesses, Small Organizations, Small Governmental Jurisdictions. Our actions, over time, may affect small entities that are not easily categorized at present. The

Commission, therefore describe at the outset, three broad groups of small entities that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the Small Business Administration's (SBA) Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 33.2 million businesses.

17. Next, the type of small entity described as a "small organization" is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field." The Internal Revenue Service (IRS) uses a revenue benchmark of \$50,000 or less to delineate its annual electronic filing requirements for small exempt organizations. Nationwide, for tax year 2020, there were approximately 447,689 small exempt organizations in the U.S. reporting revenues of \$50,000 or less according to the registration and tax data for exempt organizations available from the IRS.

18. Finally, the small entity described as a "small governmental jurisdiction" is defined generally as "governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand." U.S. Census Bureau data from the 2017 Census of Governments indicate there were 90,075 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States. Of this number, there were 36,931 general purpose governments (county, municipal, and town or township) with populations of less than 50,000 and 12,040 special purpose governments— independent school districts with enrollment populations of less than 50,000. Accordingly, based on the 2017 U.S. Census of Governments data, we estimate that at least 48,971 entities fall into the category of "small governmental jurisdictions."

19. Wireless Carriers and Service Providers. Wireless Telecommunications Carriers (except Satellite) is the closest industry with a SBA small business size standard applicable to these service providers. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed

fewer than 250 employees.

Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 594 providers that reported they were engaged in the provision of wireless services. Of these providers, the Commission estimates that 511 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

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

20. The *FNPRM* seeks comment on issues that may alter the Commission's current information collection, reporting, recordkeeping, or compliance requirements for small entities. The Commission seeks comment on whether wireless providers have effectively obtained consent to make robocalls and send robotexts to their own subscribers by virtue of their unique relationship with their subscribers or if they must obtain such consent for robocalls and robotexts. The Commission seeks comment on whether the right to revoke consent extends to wireless subscribers when they receive unwanted robocalls and robotexts from their wireless provider, just as it does to any robocalls or robotexts sent pursuant to the TCPA. In particular, whether wireless providers would be required to honor any revocation or opt-out requests from their own subscribers that are made through any reasonable means and at any time. If adopted, this may require wireless providers to obtain consent from their own subscribers for robocalls and robotexts and may require such providers to maintain records on whether they have such consent and on any revocation of consent by their subscribers. Additionally, such revocation may be from all robocalls and robotexts, or from certain ones (such as marketing) and the wireless providers would be required to maintain such records on the specific revocation requests. The Commission also seeks comment on a request to require every call that uses an artificial or prerecorded voice to provide an automated opt-out mechanism. There is not sufficient information in the record to quantify the cost of compliance for small entities, or to determine whether it will be necessary for small entities to hire professionals to comply with these proposals. The Commission will review the record and further examine the economic impact of the proposals on small entities following the review of



comments filed in response to the *FNPRM*.

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

21. The RFA requires an agency to describe any significant alternatives that could minimize impacts to small entities that it has considered in reaching its 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 or reporting requirements under the rule for such small entities; (3) the use of performance, rather than design, standards; and (4) and exemption from coverage of the rule, or any part thereof, for such small entities.”

22. In the *FNPRM* the Commission seeks comment on several alternatives that may impact small entities. The Commission seeks comment on whether wireless providers have effectively obtained consent to make robocalls and send robotexts to their own subscribers by virtue of their unique relationship with their subscribers and whether this consent extends to telemarketing or other messages, or if providers must obtain consent from their subscribers for such robocalls and robotexts. The Commission seeks comment on whether the right to revoke consent for robocalls and robotexts extends to wireless subscribers when they receive unwanted robocalls and robotexts from their own wireless provider, just as it does to any robocalls or robotexts sent to a consumer. The Commission seeks comment on whether wireless providers must honor any revocation or opt-out requests from their own subscribers that are made through any reasonable means and at any time.

23. This proposal, if adopted, would apply to all wireless providers, including small wireless entities. The Commission expects that the obligation to honor revocation requests will not be unduly burdensome to small wireless providers and recognizes that some wireless providers already honor opt-out requests on many communications to subscribers. The Commission observes that other entities have implemented such measures to honor revocation requests for decades to comply with the Commission’s rules. Nevertheless, the Commission seeks comment on ways to reduce any new burdens such requirements might create

for smaller wireless providers. Lastly, the Commission seeks comment on any burdens imposed by requiring all artificial or prerecorded voice calls to provide an automated opt-out mechanism to stop such calls including any alternatives that would minimize the impact on small entities.

*F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules*

24. None.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary.*

[FR Doc. 2024–04586 Filed 3–4–24; 8:45 am]

**BILLING CODE 6712–01–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 29

[Docket No. FWS–HQ–NWRS–2022–0106; FXRS12610900000–212–FF09R20000]

RIN 1018–BG78

#### National Wildlife Refuge System; Biological Integrity, Diversity, and Environmental Health; Extension of Comment Period

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), are extending the comment period on our February 2, 2024, proposed rule that proposes new regulations and updates to existing policy to ensure that the biological integrity, diversity, and environmental health (BIDEH) of the National Wildlife Refuge System (Refuge System) are maintained, and where appropriate, restored and enhanced, in accordance with the National Wildlife Refuge System Improvement Act of 1997. We are extending the comment period for 60 days to give all interested parties an additional opportunity to comment. Comments previously submitted need not be resubmitted as they are already incorporated into the public record and will be fully considered in our final determination.

**DATES:** The comment period on the proposed rule that published February 2, 2024, at 89 FR 7345, is extended. We will accept comments on the proposed rule and proposed revisions to the Service Manual chapter at 601 FW 3 that are received or postmarked on or before May 6, 2024.

#### ADDRESSES:

**Document availability:** This proposed rule and the draft Service Manual chapter 601 FW 3 are available at the Federal eRulemaking Portal: <https://www.regulations.gov>. In the Search box, enter FWS–HQ–NWRS–2022–0106, which is the docket number for this rulemaking. Then, click on the Search button. To view the Service Manual chapter, go to the Documents tab and then check the box for Supporting & Related Material.

**Comment submission:** You may submit comments on the proposed rule or the proposed revisions to 601 FW 3 by one of the following methods:

- **Electronically:** Go to the Federal eRulemaking Portal: <https://www.regulations.gov>. In the Search box, enter FWS–HQ–NWRS–2022–0106, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting screen, find the correct document and submit a comment by clicking on “Comment.”
- **By hard copy:** Submit by U.S. mail or hand delivery to: Public Comments Processing, Attn: FWS–HQ–NWRS–2022–0106; U.S. Fish and Wildlife Service; 5275 Leesburg Pike, MS: PRB (JAO/3W); Falls Church, VA 22041–3803.

We will not accept email or faxes. We will post all comments on <https://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Request for Comments, below, for more information).

#### FOR FURTHER INFORMATION CONTACT:

Katherine Harrigan, (703) 358–2440, [katherine\\_harrigan@fws.gov](mailto:katherine_harrigan@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. Please see Docket No. FWS–HQ–NWRS–2022–0106 on <https://www.regulations.gov> for a document that summarizes the February 2, 2024, proposed rule.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 2, 2024, we published a proposed rule (89 FR 7345) to promulgate new regulations at 50 CFR 29.3 and to update the existing Service Manual chapter at 601 FW 3 to ensure that the BIDEH of the Refuge System are maintained, and where appropriate, restored and enhanced. The proposed

rule opened a 30-day public comment period, ending March 4, 2024. During the public comment period, we received requests to extend the comment period. With this document, we are extending the public comment period for our February 2, 2024, proposed rule by an additional 60 days (see **DATES**, above) to allow the public further opportunity to provide comments on the proposed rule.

For further background on BIDEH and information on the types of comments that would be helpful to us in promulgating this rulemaking action, please refer to the February 2, 2024, proposed rule (89 FR 7345).

#### **Request for Comments**

If you already submitted comments or information on the February 2, 2024, proposed rule (89 FR 7345), please do not resubmit them. Any such comments are incorporated as part of the public record of the rulemaking proceeding, and we will fully consider them in the preparation of any final rule.

You may submit your comments and materials concerning this proposed rule by one of the methods listed under **ADDRESSES**. We will not accept comments sent by email or fax or to an address not listed under **ADDRESSES**.

If you submit information via <https://www.regulations.gov>, your entire

submission—including your personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on <https://www.regulations.gov>.

**Shannon Estenoz,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2024–04583 Filed 3–4–24; 8:45 am]

**BILLING CODE 4333–15–P**

# Notices

Federal Register

Vol. 89, No. 44

Tuesday, March 5, 2024

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## AGENCY FOR INTERNATIONAL DEVELOPMENT

### 60-Day Notice of Proposed Information Collection: USAID Eligibility Questionnaire for HAVANA Act Payments

**AGENCY:** Agency for International Development.

**ACTION:** Notice of proposed information collection.

**SUMMARY:** The United States Agency for International Development (USAID) is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

**DATES:** USAID will accept comments from the public. All comments should be submitted within 60 calendar days from the date of this publication.

**ADDRESSES:** Interested parties may submit comments by one of the following methods:

*Email:* [AHIRule@usaid.gov](mailto:AHIRule@usaid.gov) with the subject line, HAVANA ACT INFORMATION COLLECTION.

*Internet:* At [www.Regulations.gov](http://www.Regulations.gov), search for this document using the subject line, USAID HAVANA ACT PAYMENTS.

Note that all submissions to [www.regulations.gov](http://www.regulations.gov) are public, and USAID cannot edit the comments to remove personal information. If you have any concerns about your comment being viewed by the public, please use the email option above.

**FOR FURTHER INFORMATION CONTACT:** Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection

instrument and supporting documents, should be sent to A. Michael Stern, USAID AHI Working Group Coordinator, [HARuleInfo@usaid.gov](mailto:HARuleInfo@usaid.gov), (202) 712-5568.

#### SUPPLEMENTARY INFORMATION:

*Title of Information Collection:* Eligibility Questionnaire for HAVANA Act Payments.

*Type of Request:* New request for approval of information collection method.

*Originating Office:* Office of Human Capital and Talent Management.

*Form Number:* AID 442-1.

*Respondents:* USAID employees, former employees, and their dependents, and the qualified physicians whom they have consulted.

*Estimated Number of Respondents:* 30.

*Estimated Number of Responses:* 30.

*Average Time per Response:* 30 minutes.

*Total Estimated Burden Time:* 15 hours.

*Frequency:* Once.

*Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit USAID to:

- Evaluate whether the proposed information collection is necessary for the proper functions of USAID.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected.

- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

#### Abstract of Proposed Collection

On October 8, 2021, President Biden signed the “Helping American Victims Affected by Neurological Attacks” (HAVANA) Act of 2021 (*Pub. L. 117-46*). In this statute, Congress authorized federal agencies to make payments to

affected current employees, former employees, and their dependents for qualifying injuries to the brain. The AID 442-1 form provides the required medical substantiation for claims filed pursuant to the HAVANA Act and USAID’s recent rule, which was issued in the **Federal Register** on June 26, 2023.

#### Methodology

An individual wishing to make a claim under the HAVANA Act will fill out the “Patient Demographics” portion of the AID 442-1, and provide it to a U.S. board-certified physician (currently certified by the American Board of Psychiatry and Neurology (ABPN) or the American Board of Physical Medicine and Rehabilitation (ABPMR)), who will complete the form after examining the individual and reviewing their records and will fax or email the completed form to USAID.

**Aaron Michael Stern,**  
*Supervisory Program Officer.*

[FR Doc. 2024-04609 Filed 3-4-24; 8:45 am]

**BILLING CODE 6116-01-P**

## DEPARTMENT OF AGRICULTURE

### U.S. Codex Office

#### Codex Alimentarius Commission: Meeting of the Codex Committee on Methods of Analysis and Sampling

**AGENCY:** U.S. Codex Office, USDA.

**ACTION:** Notice of public meeting and request for comments.

**SUMMARY:** The U.S. Codex Office is sponsoring a public meeting on April 8, 2024. The objective of the public meeting is to provide information and receive public comments on agenda items and draft U.S. positions to be discussed at the 43rd Session of the Codex Committee on Methods of Analysis and Sampling (CCMAS) of the Codex Alimentarius Commission (CAC). CCMAS43 will be held in Budapest, Hungary, from May 13–May 18, 2024. The U.S. Manager for Codex Alimentarius and the Under Secretary for Trade and Foreign Agricultural Affairs recognize the importance of providing interested parties the opportunity to obtain background information on the 43rd Session of the

CCMAS and to address items on the agenda.

**DATES:** The public meeting is scheduled for April 8, 2024, from 1:00–3:00 p.m. EDT.

**ADDRESSES:** The public meeting will take place via Video Teleconference only. Documents related to the 43rd Session of the CCMAS will be accessible via the internet at the following address: <https://www.fao.org/fao-who-codexalimentarius/meetings/detail/en/?meeting=CCMAS&session=43>.

Dr. Patrick Gray, U.S. Delegate to the 43rd Session of the CCMAS, invites interested U.S. parties to submit their comments electronically to the following email address: [patrick.gray@fda.hhs.gov](mailto:patrick.gray@fda.hhs.gov).

Registration: Attendees may register to attend the public meeting at the following link: <https://www.zoomgov.com/meeting/register/vJltfu6spzMoHW06zBjaZiV18JYltvKUfnI>. After registering, you will receive a confirmation email containing information about joining the meeting.

For further information about the 43rd Session of the CCMAS, contact U.S. Delegate, Dr. Patrick Gray, Supervisory Chemist, Center for Food Safety and Applied Nutrition, Office of Regulatory Science, U.S. Food and Drug Administration, (240) 402–5026, [patrick.gray@fda.hhs.gov](mailto:patrick.gray@fda.hhs.gov). For an additional information regarding the public meeting, contact the U.S. Codex Office by email at: [uscodex@usda.gov](mailto:uscodex@usda.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Codex Alimentarius Commission was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The Terms of Reference of the Codex Committee on Methods of Analysis and Sampling (CCMAS) are:

(a) to define the criteria appropriate to Codex Methods of Analysis and Sampling;

(b) to serve as a coordinating body for Codex with other international groups working in methods of analysis and sampling and quality assurance systems for laboratories;

(c) to specify, on the basis of final recommendations submitted to it by the

other bodies referred to in (b) above, Reference Methods of Analysis and Sampling appropriate to Codex Standards which are generally applicable to a number of foods;

(d) to consider, amend, if necessary, and endorse, as appropriate, methods of analysis and sampling proposed by Codex (Commodity) Committees, except that methods of analysis and sampling for residues of pesticides or veterinary drugs in food, the assessment of micro biological quality and safety in food, and the assessment of specifications for food additives, do not fall within the terms of reference of this Committee;

(e) to elaborate sampling plans and procedures, as may be required;

(f) to consider specific sampling and analysis problems submitted to it by the Commission or any of its Committees; and,

(g) to define procedures, protocols, guidelines, or related texts for the assessment of food laboratory proficiency, as well as quality assurance systems for laboratories.

The CCMAS is hosted by Hungary. The United States attends the CCMAS as a member country of Codex.

##### Issues To Be Discussed at the Public Meeting

The following items from the Agenda for the 43rd Session of the CCMAS will be discussed during the public meeting:

- Matters referred to the Committee by the Codex Alimentarius Commission and/or its subsidiary bodies
- Endorsement of methods of analysis provisions and sampling plans in Codex standards
- Review of methods of analysis in CXS 234
- Cereals, pulses, and legumes workable package
- Fish and fishery products workable package
- Fruit juices workable package
- Information document: *General Guidelines on Sampling* (CXG 50–2004)-e-book with sampling plans applications
- Discussion Papers on the following materials:
  - Numeric performance criteria for the determination of nitrate and nitrite ions in certain food matrices
  - Methods of analysis for precautionary allergen labelling
  - Harmonization of names and format for principles identified in CXS 234
  - Approach for the placement of nitrogen conversion factors
  - Listing of Type IV methods in CXS 234 when a Type I method is listed for the same commodity and provision
  - Report of an Inter-Agency Meeting on Methods of Analysis
  - Other business and future work

##### Public Meeting

At the April 8, 2024, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to Dr. Patrick Gray, U.S. Delegate for the 43rd Session of the CCMAS, at [patrick.gray@fda.hhs.gov](mailto:patrick.gray@fda.hhs.gov). Written comments should state that they relate to activities of the 43rd Session of the CCMAS.

##### Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, the U.S. Codex Office will announce this **Federal Register** publication on-line through the USDA Codex web page located at: <http://www.usda.gov/codex>, a link that also offers an email subscription service providing access to information related to Codex. Customers can add or delete their subscriptions themselves and have the option to password protect their accounts.

##### USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

##### How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at <https://www.usda.gov/oascr/filing-program-discrimination-complaint-usda-customer>, or write a letter signed by you or your authorized representative. Send your completed complaint form or letter to USDA by mail, fax, or email. Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410; Fax: (202) 690–7442; Email: [program.intake@usda.gov](mailto:program.intake@usda.gov). Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC, on February 28, 2024.

Julie Chao,  
U.S. Deputy Manager for Codex Alimentarius.  
[FR Doc. 2024-04562 Filed 3-4-24; 8:45 am]

BILLING CODE P

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Arkansas Advisory Committee to the U.S. Commission on Civil Rights

**AGENCY:** Commission on Civil Rights.  
**ACTION:** Notice of virtual briefings.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Arkansas Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a series of public briefings via Zoom. The purpose of these briefings is to gather testimony regarding right to counsel in Arkansas for the Committee's current civil rights study.

#### DATES:

- Monday, March 11, 2024, from 11:00 a.m.–1:00 p.m. Central Time
- Tuesday, March 12, 2024, from 11:00 a.m.–1:00 p.m. Central Time
- Friday, March 15, 2024, from 11:00 a.m.–1:00 p.m. Central Time

**ADDRESSES:** These meetings will be held via Zoom.

#### March 11th Meeting

- Registration Link (Audio/Visual):**  
[https://www.zoomgov.com/webinar/register/WN\\_nsdpo0uBzSP-8TciDH3U79w](https://www.zoomgov.com/webinar/register/WN_nsdpo0uBzSP-8TciDH3U79w)
- Join by Phone (Audio Only):** 1-833-435-1820 USA Toll Free; Webinar ID: 160 357 6669#

#### March 12th Meeting

- Registration Link (Audio/Visual):**  
[https://www.zoomgov.com/webinar/register/WN\\_6QSPPQCvSpyoPQic8iFRUQ](https://www.zoomgov.com/webinar/register/WN_6QSPPQCvSpyoPQic8iFRUQ)
- Join by Phone (Audio Only):** 1-833-435-1820 USA Toll Free; Webinar ID: 160 408 1303#

#### March 15th Meeting

- Registration Link (Audio/Visual):**  
[https://www.zoomgov.com/webinar/register/WN\\_6zJdDZLaTaëdoaWz2wfj3w](https://www.zoomgov.com/webinar/register/WN_6zJdDZLaTaëdoaWz2wfj3w)
- Join by Phone (Audio Only):** 1-833-435-1820 USA Toll Free; Webinar ID: 160 180 0313#

**FOR FURTHER INFORMATION CONTACT:** Melissa Wojnaroski, Designated Federal Officer, at [mwojnaroski@usccr.gov](mailto:mwojnaroski@usccr.gov) or 1-202-618-4158.

**SUPPLEMENTARY INFORMATION:** These Committee meetings are available to the public through the registration links above. Any interested members of the public may attend these meetings. An open comment period will be provided to allow members of the public to make oral statements as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at these meetings. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting "CC" in the meeting platform. To request additional accommodations, please email [csanders@usccr.gov](mailto:csanders@usccr.gov) at least 10 business days prior to each meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the scheduled meeting. Written comments may be emailed to Melissa Wojnaroski at [mwojnaroski@usccr.gov](mailto:mwojnaroski@usccr.gov). Persons who desire additional information may contact the Regional Programs Coordination Unit at 1-202-618-4158.

Records generated from these meetings may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after each meeting. Records of the meetings will be available via [www.facadatabase.gov](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 Coordination Unit at [csanders@usccr.gov](mailto:csanders@usccr.gov).

#### Agenda

- Welcome and Roll Call
- Chair's Comments
- Panelist Testimony
- Public Comment
- Adjournment

Dated: February 28, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.  
[FR Doc. 2024-04564 Filed 3-4-24; 8:45 am]

BILLING CODE P

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meetings of the Pennsylvania Advisory Committee to the U.S. Commission on Civil Rights

**AGENCY:** Commission on Civil Rights.  
**ACTION:** Notice of virtual briefings.

**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 Pennsylvania Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a series of public briefings via Zoom. The purpose of these briefings is to gather testimony regarding the civil rights implications of the rising use of Artificial Intelligence (AI) in education.

#### DATES:

- Monday, March 25, 2024, from 11:00 a.m.–1:00 p.m. Eastern Time
- Wednesday, March 27, 2024, from 11:00 a.m.–1:00 p.m. Eastern Time
- Friday, March 29, 2024, from 11:00 a.m.–1:00 p.m. Eastern Time
- Friday, April 25, 2024, from 11:00 a.m.–1:00 p.m. Eastern Time

**ADDRESSES:** These meetings will be held via Zoom.

#### March 25th Meeting

- Registration Link (Audio/Visual):**  
[https://www.zoomgov.com/webinar/register/WN\\_3W5k7ikzRm27HkVsDxnIdg](https://www.zoomgov.com/webinar/register/WN_3W5k7ikzRm27HkVsDxnIdg)
- Join by Phone (Audio Only):** 1-833-435-1820 USA Toll Free; Webinar ID: 161 359 3255#

#### March 27th Meeting

- Registration Link (Audio/Visal):**  
[https://www.zoomgov.com/webinar/register/WN\\_zBUu1g39SzWT9cD2EQHpDA](https://www.zoomgov.com/webinar/register/WN_zBUu1g39SzWT9cD2EQHpDA)
- Join by Phone (Audio Only):** 1-833-435-1820 USA Toll Free; Webinar ID: 160 502 2106#

#### March 29th Meeting

- Registration Link (Audio/Visual):**  
[https://www.zoomgov.com/webinar/register/WN\\_GZn38HApS6ekX78RRrjyRA](https://www.zoomgov.com/webinar/register/WN_GZn38HApS6ekX78RRrjyRA)
- Join by Phone (Audio Only):** 1-833-435-1820 USA Toll Free; Webinar ID: 161 217 4066#

#### April 25th Meeting

- Registration Link (Audio/Visual):**  
[https://www.zoomgov.com/webinar/register/WN\\_LzV2bS2GSKOMU7gH4CTFTw](https://www.zoomgov.com/webinar/register/WN_LzV2bS2GSKOMU7gH4CTFTw)
- Join by Phone (Audio Only):** 1-833-435-1820 USA Toll Free; Webinar ID: 161 775 0070#

**FOR FURTHER INFORMATION CONTACT:**

Melissa Wojnaroski, Designated Federal Officer, at [mwojnaroski@usccr.gov](mailto:mwojnaroski@usccr.gov) or 1-202-618-4158.

**SUPPLEMENTARY INFORMATION:** These Committee meetings are available to the public through the registration links above. Any interested members of the public may attend these meetings. An open comment period will be provided to allow members of the public to make oral statements as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at these meetings. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting "CC" in the meeting platform. To request additional accommodations, please email [csanders@usccr.gov](mailto:csanders@usccr.gov) at least 10 business days prior to each meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the scheduled meeting. Written comments may be emailed to Melissa Wojnaroski at [mwojnaroski@usccr.gov](mailto:mwojnaroski@usccr.gov). Persons who desire additional information may contact the Regional Programs Coordination Unit at 1-202-618-4158.

Records generated from these meetings may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after each meeting. Records of the meetings will be available via [www.facadatabase.gov](http://www.facadatabase.gov) under the Commission on Civil Rights, Pennsylvania Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at [csanders@usccr.gov](mailto:csanders@usccr.gov).

**Agenda**

- I. Welcome and Roll Call
- II. Chair's Comments
- III. Panelist Testimony
- IV. Public Comment
- V. Adjournment

Dated: February 28, 2024.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2024-04566 Filed 3-4-24; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF COMMERCE****Bureau of Industry and Security**

[Docket No. 240222-0055]

0694-XC104

**Reporting for Calendar Year 2023 on Offsets Agreements Related to Sales of Defense Articles or Defense Services to Foreign Countries or Foreign Firms**

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

**ACTION:** Notice; annual reporting requirements.

**SUMMARY:** This notice is to remind the public that U.S. firms are required to report annually to the Department of Commerce (Commerce) information on contracts for the sale of defense articles or defense services to foreign countries or foreign firms that are subject to offsets agreements exceeding \$5,000,000 in value. U.S. firms are also required to report annually to Commerce information on offsets transactions completed in performance of existing offsets commitments for which offsets credit of \$250,000 or more has been claimed from the foreign representative. This year, such reports must include relevant information from calendar year 2023 and must be submitted to Commerce no later than June 15, 2024.

**ADDRESSES:** Submit reports in both hard copy and electronically. Address the hard copy to "Offsets Program Manager, U.S. Department of Commerce, Office of Strategic Industries and Economic Security, Bureau of Industry and Security (BIS), Room 3876, Washington, DC 20230". Submit electronic copies to [OffsetReport@bis.doc.gov](mailto:OffsetReport@bis.doc.gov).

**DATES:** Reports must include relevant information from calendar year 2023 and must be submitted to Commerce no later than June 15, 2024.

**FOR FURTHER INFORMATION CONTACT:**

Katie Reid, Office of Strategic Industries and Economic Security, Bureau of Industry and Security, U.S. Department of Commerce, telephone: 202-482-4506; email: [OffsetReport@bis.doc.gov](mailto:OffsetReport@bis.doc.gov).

**SUPPLEMENTARY INFORMATION:****Background**

Section 723(a)(1) of the Defense Production Act of 1950, as amended (DPA) (50 U.S.C. 4568 (2023)) requires the President to submit an annual report to Congress on the impact of offsets on the U.S. defense industrial base. Section 723(a)(2) directs the Secretary of Commerce (Secretary) to prepare the President's report and to develop and administer the regulations necessary to

collect offsets data from U.S. defense exporters.

The authorities of the Secretary regarding offsets have been delegated to the Under Secretary of Commerce for Industry and Security. The regulations associated with offsets reporting are set forth in part 701 of title 15 of the Code of Federal Regulations (Offsets Regulations). Offsets are compensation practices required as a condition of purchase in either government-to-government or commercial sales of defense articles and/or defense services, as defined by the Arms Export Control Act (22 U.S.C. 2778) and the International Traffic in Arms Regulations (22 CFR 120-130). Offsets are also applicable to certain items controlled on the Commerce Control list (CCL) and with an Export Control Classification Number (ECCN) including the numeral "6" as its third character. The CCL is found in supplement no. 1 to part 774 of the Export Administration Regulations.

An example of an offset is as follows: a company that is selling a fleet of military aircraft to a foreign government may agree to offset the cost of the aircraft by providing training assistance to plant managers in the purchasing country. Although this distorts the true price of the aircraft, the foreign government may require this sort of extra compensation as a condition of awarding the contract to purchase the aircraft. As described in the Offsets Regulations, U.S. firms are required to report information on contracts for the sale of defense articles or defense services to foreign countries or foreign firms that are subject to offsets agreements exceeding \$5,000,000 in value. U.S. firms are also required to report annually information on offsets transactions completed in performance of existing offsets commitments for which offsets credit of \$250,000 or more has been claimed from the foreign representative.

Commerce's annual report to Congress includes an aggregated summary of the data reported by industry in accordance with the offsets regulation and the DPA (50 U.S.C. 4568 (2023)). As provided by section 723(c) of the DPA, BIS will not publicly disclose individual firm information it receives through offsets reporting unless the firm furnishing the information specifically authorizes public disclosure. The information collected is sorted and organized into an aggregate report of national offsets data, and therefore does not identify company-specific information.

To enable BIS to prepare the next annual offset report reflecting calendar year 2023 data, affected U.S. firms must

submit required information on offsets agreements and offsets transactions from calendar year 2023 to BIS no later than June 15, 2024.

**Thea D. Rozman Kendler,**  
Assistant Secretary for Export  
Administration.

[FR Doc. 2024-04565 Filed 3-4-24; 8:45 am]

BILLING CODE 3510-JT-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-810]

#### Stainless Steel Bar From India: Preliminary Results of Antidumping Duty Administrative Review; 2022– 2023

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty order on stainless steel bar from India. The period of review (POR) is February 1, 2022, through January 31, 2023. This review covers four producers/exporters of the subject merchandise. We preliminarily determine that subject merchandise has been sold at below normal value (NV) during this POR. We invite interested parties to comment on these preliminary results.

**DATES:** Applicable March 5, 2024.

**FOR FURTHER INFORMATION CONTACT:** Hermes Pinilla or Jacob Keller, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3477 or (202) 482-4849, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 21, 1995, Commerce published the antidumping duty order on stainless steel bar from India.<sup>1</sup> On April 11, 2023, based on timely requests for administrative reviews, Commerce initiated an administrative review of the Order,<sup>2</sup> and subsequently selected Aamor Inox Limited (Aamor) and Laxcon Steels Limited (Laxcon), as the mandatory respondents. On October 17,

2023, we extended the preliminary results until February 28, 2024.<sup>3</sup>

#### Scope of the Order

The product covered by this Order is stainless steel bar from India. For a full description of the scope, see the Preliminary Decision Memorandum.<sup>4</sup>

#### Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. A list of the topics discussed in the Preliminary Decision Memorandum is included as the appendix to this notice. The Preliminary Decision Memorandum is a public document and is made available to the public 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>.

#### Rate for Non-Examined Companies

The statute and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any

<sup>3</sup> See Memorandum, "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review; 2022–2023," dated October 10, 2023.

<sup>4</sup> See Memorandum, "Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review; 2022–2023: Stainless Steel Bar from India," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum), at 2–3.

zero or *de minimis* margins, and any margins determined entirely on the basis of facts available. In this review, we preliminarily calculated dumping margins for the two mandatory respondents, Aamor and Laxcon, of 0.55 and 0.61 percent, respectively, and we have assigned to the non-selected companies a rate of 0.57 percent, which is the weighted-average dumping margins of Aamor and Laxcon weighted by their publicly ranged U.S. sales values.<sup>5</sup>

#### Preliminary Results of Review

We preliminarily determine that the following estimated weighted-average dumping margins exist for the period February 1, 2022, through January 31, 2023:

Producer/exporter	Weighted-average dumping margin (percent)
Laxcon Steels Limited, and its affiliates, Ocean Steels Private Limited, Metlax International Private Limited, Parvati Private Limited, and Mega Steels Private Limited <sup>6</sup>	0.61
Aamor Inox Limited	0.55
<b>Non-Selected Companies</b>	
Astrabite LLP	0.57
Venus Wire Industries Pvt. Ltd., and its affiliates, Precision Metals, Hindustan Inox Ltd., and Sieves Manufacturers (India) Pvt. Ltd. <sup>7</sup>	0.57

#### Disclosure and Public Comment

We intend to disclose the calculations performed to parties within five days after publication of this notice.<sup>8</sup> Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs

<sup>5</sup> With two respondents under examination, Commerce normally calculates: (A) a weighted-average of the dumping margins calculated for the examined respondents; (B) a simple average of the dumping margins calculated for the examined respondents; and (C) a weighted-average of the dumping margins calculated for the examined respondents using each company's publicly ranged U.S. sale quantities for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. See, e.g., *Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part*, 75 FR 53661, 53663 (September 1, 2010).

<sup>6</sup> Collectively, these companies are known as Laxcon.

<sup>7</sup> Collectively, these companies are known as Venus Group.

<sup>8</sup> See 19 CFR 351.224(b).

<sup>1</sup> See *Antidumping Duty Orders: Stainless Steel Bar from Brazil, India and Japan*, 60 FR 9661 (February 21, 1995) (Order).

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 21609 (April 11, 2023).

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 five days after the date for filing case briefs.<sup>9</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>10</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>11</sup> Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, no 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 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>12</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 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.

### Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review,

including the results of its analysis of issues raised in written briefs, no later than 120 days after the date of publication of this notice in the **Federal Register**, pursuant to 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

### Assessment Rate

Upon issuance of the final results, Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.<sup>13</sup> If a respondent's weighted-average dumping margin is above *de minimis* in the final results of this review, we will calculate an importer-specific assessment rate based on the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).<sup>14</sup> If a respondent's weighted-average dumping margin or an importer-specific assessment rate is zero or *de minimis* in the final results of review, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties in accordance with the *Final Modification for Reviews*.<sup>15</sup>

For entries of subject merchandise during the POR produced by Laxcon or Aamor for which they did not know their merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise under review and for future deposits of estimated duties, where applicable.

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

The following cash deposit requirements for estimated antidumping duties will be effective upon publication of the notice of final results of this review for all shipments of stainless steel bar from India entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the company listed above will be established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for merchandise exported by companies not covered in this review but covered in a prior segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the LTFV investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be the 12.45 percent, the all-others rate established in the LTFV investigation.<sup>16</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 duties prior to liquidation of the relevant entries during this period of review. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

### Notification to Interested Parties

Commerce is issuing and publishing these results in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(4).

<sup>9</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>10</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>11</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.

<sup>12</sup> See *APO and Service Final Rule*.

<sup>13</sup> See 19 CFR 351.212(b).

<sup>14</sup> In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

<sup>15</sup> *Id.*, 77 FR at 8103; see also 19 CFR 351.106(c)(2).

<sup>16</sup> See *Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar from India*, 59 FR 66915, 66921 (December 28, 1994).



Dated: February 28, 2024.

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

**Appendix**

**List of Topics Discussed in the Preliminary Decision Memorandum**

I. Summary  
II. Background  
III. Scope of the *Order*  
IV. Rate for Non-Examined Companies  
V. Affiliation and Collapsing  
VI. Discussion of the Methodology  
VII. Currency Conversion  
VIII. Recommendation

[FR Doc. 2024-04619 Filed 3-4-24; 8:45 am]

**BILLING CODE 3510-DS-P**

DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-836]

**Certain Cut-to-Length Carbon-Quality Steel Plate Products From the Republic of Korea: Preliminary Results and Rescission in Part of Antidumping Duty Administrative Review; 2022–2023**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty (AD) order on certain cut-to-length carbon-quality steel plate products (CTL plate) from the Republic of Korea (Korea). The period of review (POR) is February 1, 2022, through January 31, 2023. Commerce preliminarily finds that the producers/exporters subject to this administrative review did not make sales of subject merchandise at prices below normal value (NV) during the POR. We are rescinding this administrative review, in part, with respect to two companies. We invite interested parties to comment on these preliminary results.

**DATES:** Applicable March 5, 2024.

**FOR FURTHER INFORMATION CONTACT:** Christopher Williams or Allison Hollander, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5166 or (202) 482–2805, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On February 10, 2000, Commerce published in the **Federal Register** the AD order on CTL plate from Korea.<sup>1</sup> On April 11, 2023, based on timely requests for an administrative review, Commerce initiated this administrative review of the *Order* with respect to four companies<sup>2</sup> and subsequently selected Dongkuk Steel Mill Co., Ltd., and Hyundai Steel Company as the mandatory respondents.<sup>3</sup> On October 12, 2023, we extended the deadline to issue these preliminary results until February 28, 2024.<sup>4</sup>

**Scope of the Order**

The merchandise covered by the *Order* is CTL plate from Korea. For a full description of the scope of the *Order*, see the Preliminary Decision Memorandum.<sup>5</sup>

**Rescission of Administrative Review, in Part**

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested the review withdraw their review requests within 90 days of the date of publication of the notice of initiation for the requested review.<sup>6</sup> On July 10, 2023, Nucor Corporation, SSAB Enterprises, LLC, and Cleveland-Cliffs Inc. withdrew their request for the review of BDP International and Sung Jin Steel Co., Ltd., within the 90-day deadline.<sup>7</sup> No other parties requested an administrative review of these two companies. Therefore, in accordance with 19 CFR 351.213(d)(1), Commerce is rescinding the administrative review of

<sup>1</sup> See *Notice of Amendment of Final Determinations of Sales at Less Than Fair Value and Antidumping Duty Orders: Certain Cut-To-Length Carbon-Quality Steel Plate Products from France, India, Indonesia, Italy, Japan and the Republic of Korea*, 65 FR 6585 (February 10, 2000) (*Order*).

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 21609, 21611 (April 11, 2023) (*Initiation Notice*).

<sup>3</sup> See Memorandum, “Respondent Selection,” dated May 26, 2023.

<sup>4</sup> See Memorandum, “Extension of Deadline for Preliminary Results of the Antidumping Duty Administrative Review; 2022–2023,” dated October 12, 2023.

<sup>5</sup> See Memorandum, “Certain Cut-to-Length Carbon-Quality Steel Plate Products from the Republic of Korea: Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review; 2022–2023,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>6</sup> See *Initiation Notice*, 88 FR at 21610.

<sup>7</sup> See Nucor Corporation, SSAB Enterprises, LLC, and Cleveland-Cliffs Inc.’s Letter, “Partial Withdrawal of Request for Administrative Review,” dated July 10, 2023.

BDP International and Sung Jin Steel Co., Ltd.

**Methodology**

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). We calculated export price and constructed export price in accordance with section 772 of the Act, and we calculated NV in accordance with section 773 of the Act.

For a full description of the methodology underlying these preliminary results, see the Preliminary Decision Memorandum. A list of the topics discussed in the Preliminary Decision Memorandum is included as the appendix to this notice. The Preliminary Decision Memorandum is a public document and is made available to the public 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>.

**Preliminary Results of Review**

We preliminarily determine that the following weighted-average dumping margins exist for the period February 1, 2022, through January 31, 2023:

Producer and/or exporter	Weighted-average dumping margin (percent)
Dongkuk Steel Mill Co., Ltd ..	0.00
Hyundai Steel Company .....	0.00

**Disclosure and Public Comment**

We intend to disclose the calculations performed to parties within five days after publication of this notice.<sup>8</sup> Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs no later than 30 days after the date of publication of this notice.<sup>9</sup> 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>10</sup> Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of

<sup>8</sup> See 19 CFR 351.224(b).

<sup>9</sup> See also 19 CFR 351.303 (for general filing requirements).

<sup>10</sup> See 19 CFR 351.309(d)(1); 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*).

contents listing each issue; and (2) a table of authorities.<sup>11</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>12</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 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>13</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. Hearing 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 case and rebuttal briefs. An electronically filed hearing request must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.

### Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised in written briefs, no later than 120 days after the date of publication of this notice in the **Federal Register**, pursuant to 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

### Assessment Rates

Upon issuance of the final results of this administrative review, pursuant to section 751(a)(2)(A) of the Act, Commerce shall determine, and U.S.

Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.<sup>14</sup> If a respondent's weighted-average dumping margin is not zero or *de minimis* (i.e., less than 0.5 percent) in the final results of this review, we intend to calculate an importer-specific assessment rate based on the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).<sup>15</sup> If the respondent's weighted-average dumping margin or an importer-specific assessment rate is zero or *de minimis* in the final results of this review, we intend to instruct CBP to liquidate the appropriate entries without regard to antidumping duties in accordance with the *Final Modification for Reviews*.<sup>16</sup>

For entries of subject merchandise during the POR produced by either of the individually examined respondents for which they did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate these entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.<sup>17</sup>

For the companies for which this review is rescinded with these preliminary results, we will instruct CBP to assess antidumping duties on all appropriate entries at a rate equal to the cash deposit of antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period February 1, 2022, through January 31, 2023, in accordance with 19 CFR 351.212(c)(1)(i).

The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.<sup>18</sup> 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

The following cash deposit requirements will be effective upon publication of the notice of final results of this review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for merchandise exported by companies not covered in this review but covered in a prior segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 0.98 percent, the all-others rate established in the investigation.<sup>19</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 POR. 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 countervailing duties.

<sup>11</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>12</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.

<sup>13</sup> See *APO and Service Final Rule*.

<sup>14</sup> See 19 CFR 351.212(b)(1).

<sup>15</sup> In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

<sup>16</sup> *Id.*, 77 FR at 8103; see also 19 CFR 351.106(c)(2).

<sup>17</sup> See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

<sup>18</sup> See section 751(a)(2)(C) of the Act.

<sup>19</sup> See, e.g., *Certain Cut-to-Length Carbon-Quality Steel Plate Products from the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2020–2021*, 87 FR 40489, 40490 (July 7, 2022).

## Notification to Interested Parties

Commerce is issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213 and 19 CFR 351.221(b)(4).

Dated: February 28, 2024

**Ryan Majerus,**

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

## Appendix

### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Rescission of Administrative Review, in Part
- V. Discussion of the Methodology
- VI. Currency Conversion
- VII. Recommendation

[FR Doc. 2024-04621 Filed 3-4-24; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-118]

### Wood Mouldings and Millwork Products From the People's Republic of China: Preliminary Results and Partial Rescission of 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 producers and exporters of wood moulding and millwork products (millwork products) from the People's Republic of China (China) during the period of review (POR), January 1, 2022, through December 31, 2022. In addition, Commerce is rescinding this review with respect to 17 companies. Interested parties are invited to comment on these preliminary results of review.

**DATES:** Applicable March 5, 2024.

#### FOR FURTHER INFORMATION CONTACT:

Craig Matney or Faris Montgomery, 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) 482-2429 or (202) 482-1537, respectively.

#### SUPPLEMENTARY INFORMATION:

## Background

On February 16, 2021, Commerce published a countervailing duty (CVD) order on millwork products from China.<sup>1</sup> The Coalition of American Millwork Producers (the petitioner) and other interested parties requested that Commerce conduct an administrative review of the *Order*. On April 11, 2023, Commerce published in the **Federal Register** a notice of initiation of an administrative review of the *Order*.<sup>2</sup> We initiated an administrative review of 41 producers/exporters of millwork products from China for the POR. On July 10, 2023, Commerce selected Fujian Jinquan Trade Co., Ltd. (Jinquan) and Fujian Yinfeng Imp & Exp Trading Co., Ltd. (Yinfeng) as the mandatory respondents in this administrative review.<sup>3</sup>

On October 2, 2023, Commerce extended the deadline for the preliminary results of this review to no later than February 28, 2024.<sup>4</sup>

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.<sup>5</sup> A list of topics discussed in the Preliminary Decision Memorandum is included at Appendix I. 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>.

## Scope of the Order

The products covered by the *Order* are millwork products from China. For a complete description of the scope of the *Order*, *see* the Preliminary Decision Memorandum.

<sup>1</sup> *See* Wood Mouldings and Millwork Products from the People's Republic of China: Countervailing Duty Order, 86 FR 9484 (February 16, 2021) (*Order*).

<sup>2</sup> *See* Initiation of Antidumping and Countervailing Duty Administrative Reviews, 88 FR 21609 (April 11, 2023) (*Initiation Notice*).

<sup>3</sup> *See* Memorandum, "Respondent Selection," dated July 10, 2023.

<sup>4</sup> *See* Memorandum, "Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review; 2022," dated October 2, 2023.

<sup>5</sup> *See* Memorandum, "Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review of Wood Mouldings and Millwork Products from the People's Republic of China; 2022," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

## Rescission of Administrative Review, in Part

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 notice of initiation of the requested review. On July 7, 2023, Jeld-Wen, Inc. timely withdrew its request for review for two of the eight companies for which it had requested a review.<sup>6</sup> On July 10, 2023, the petitioner timely withdrew its requests for review of four companies.<sup>7</sup> For each of the companies for which all requests for review were timely withdrawn and which are not cross-owned with a mandatory respondent, we are rescinding this review, in part, with respect to these companies pursuant to 19 CFR 351.213(d)(1).<sup>8</sup>

On September 14, 2023, Commerce notified interested parties that it intended to rescind this administrative review with respect to certain companies, in the absence of suspended entries during the POR.<sup>9</sup> Two companies listed in our Intent to Rescind Memorandum, Anji Huaxin Bamboo & Wood Products Co., Ltd. and Composite Technology International, Limited, submitted comments claiming that they had entries of subject merchandise during the POR.<sup>10</sup> As we require more time to fully examine the companies' claims and request additional information, if necessary, we are not rescinding the review of these two companies at this time, and will make a determination in the final results. With respect to the remaining 13 companies noted in our Intent to Rescind Memorandum and for which all review requests were not timely withdrawn,<sup>11</sup> we find that there were no reviewable entries of subject merchandise during the POR. As a result, we are rescinding this review, pursuant to 19 CFR 351.213(d)(3), with respect to these companies. On May 11, 2023, Homebuild Industries Co., Ltd.

<sup>6</sup> *See* Jeld-Wen's Letter, "Withdrawal of Request for Administrative Review," dated July 7, 2023.

<sup>7</sup> *See* Petitioner's Letter, "Withdrawal of Request for Administrative Review," dated July 10, 2023.

<sup>8</sup> *See* Appendix II for a list of companies for which we are rescinding the review due to the timely withdrawal of the requests for review.

<sup>9</sup> *See* Memorandum, "Notice of Intent to Rescind Review, In Part," dated September 14, 2023 (Intent to Rescind Memorandum).

<sup>10</sup> *See* Anji Huaxin's Letter, "Comments on Notice of Intent to Rescind Review, In Part," dated September 28, 2023; *see also* Composite Technology International's Letter, "Comments on Notice of Intent to Rescind Review, In Part," dated September 28, 2023.

<sup>11</sup> *See* Appendix III for a list of these 13 companies.

(Homebuild) certified that it had no reviewable entries during the POR.<sup>12</sup> Commerce solicited information from U.S. Customs and Border Protection (CBP) regarding this claim and placed CBP's response on the record on February 15, 2024;<sup>13</sup> no party commented on this information. We are preliminarily not rescinding this review regarding Homebuild at this time, and will fully examine the record evidence on this issue for the final results.

For further information regarding this determination, see "Final Rescission of Administrative Review, In Part" section in the Preliminary Decision Memorandum.

### Methodology

Commerce is conducting this 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 countervailable, we preliminarily determine that there is a subsidy, *i.e.*, a financial contribution by an "authority" that confers a benefit to the recipient, and that the subsidy is specific.<sup>14</sup> For a full description of the methodology underlying our preliminary conclusions, including our reliance, in part, on adverse facts available pursuant to sections 776(a) and (b) of the Act, see the Preliminary Decision Memorandum.

### Preliminary Rate for Non-Selected Companies Under Review

As discussed above, Commerce initiated this administrative review with respect to 41 producers/exporters. We are rescinding the review for four companies for which all requests for administrative review were timely withdrawn and for 13 companies that had no suspended entries during the POR. Commerce selected two mandatory respondents, Jinquan and Yinfeng, for individual examination.<sup>15</sup> For the remaining 21 non-selected companies subject to this review, because the rates calculated for mandatory respondents Jinquan and Yinfeng were above *de minimis* and not based entirely on facts available, we

applied a preliminary subsidy rate based on a weighted average of the rates calculated for the two mandatory respondents using the publicly-ranged sales data they submitted on the record. This methodology is consistent with our practice for establishing an all-others subsidy rate pursuant to section 705(c)(5)(A) of the Act. For further information on the calculation of the non-selected respondent rate, refer to the section in the Preliminary Decision Memorandum entitled "Non-Selected Companies Under Review." For a list of the non-selected companies, see Appendix IV to this notice.

### Preliminary Results of Review

In accordance with 19 CFR 351.221(b)(4)(i), we calculated a countervailable subsidy rate for each of the mandatory respondents, Jinquan and Yinfeng, and their cross-owned affiliates, where applicable. We preliminarily find the following estimated countervailable subsidy rates exist:

Producer/exporter	Subsidy rate (percent <i>ad valorem</i> )
Fujian Jinquan Trade Co., Ltd. <sup>16</sup> .....	20.65
Fujian Yinfeng Imp & Exp Trading Co., Ltd. <sup>17</sup> .....	23.22
Non-Selected Companies Under Review <sup>18</sup> .....	22.82

### Verification

Commerce received a timely request from the petitioner to verify the information submitted in this administrative review, pursuant to 19 CFR 351.307(b)(1)(iv).<sup>19</sup> Commerce does not intend to verify the information submitted by the mandatory respondents in the course of this administrative review.<sup>20</sup>

<sup>16</sup> As discussed in the Preliminary Decision Memorandum, consistent with the prior administrative review, Commerce continues to find Fujian Province Youxi County Baiyuan Wood Machining Co., Ltd. to be cross-owned with Jinquan. Fujian Province Youxi County Baiyuan Wood Machining Co., Ltd. was listed separately in the *Initiation Notice*.

<sup>17</sup> As discussed in the Preliminary Decision Memorandum, Commerce preliminarily finds the following companies to be cross-owned with Yinfeng: Fujian Province Youxi City Mangrove Wood Machining Co., Ltd.; and Fujian Province Youxi City Mangrove Wood Machining Co., Ltd. Youxi Xicheng Branch. Fujian Province Youxi City Mangrove Wood Machining Co., Ltd. was listed separately in the *Initiation Notice*.

<sup>18</sup> See Appendix IV for a list of the non-selected companies under review.

<sup>19</sup> See Petitioner's Letter, "Request for Verification," dated July 20, 2023.

<sup>20</sup> Commerce conducted verification in the previous administrative review. See *Wood Mouldings and Millwork Products from the People's*

### Disclosure and Public Comment

We intend to disclose the calculations performed to parties within five days after the date of publication of this notice.<sup>21</sup> Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs to Commerce no later than 30 days after the date of the publication of this notice.<sup>22</sup> 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>23</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>24</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>25</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 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>26</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

*Republic of China: Final Results and Partial Rescission of Countervailing Duty Administrative Review; 2020–2021*, 88 FR 62319 (September 11, 2023).

<sup>21</sup> See 19 CFR 351.224(b).

<sup>22</sup> See 19 CFR 351.309.

<sup>23</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>24</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>25</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.

<sup>26</sup> See *APO and Service Final Rule*.

<sup>12</sup> See Homebuild Industries Letter, "Certification of No Sales, Shipments, or Entries," dated May 11, 2023.

<sup>13</sup> See Memorandum, "Entry Documents Requested," dated February 15, 2024, at Attachments 1 and 2.

<sup>14</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.

<sup>15</sup> As discussed in the Preliminary Decision Memorandum, Commerce preliminarily finds that Fujian Province Youxi City Mangrove Wood Machining Co., Ltd., which was listed separately in the *Initiation Notice*, is cross-owned with Yinfeng.

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.

### Final Results

Unless the deadline is extended, we intend to issue the final results of this administrative review, which will include the results of our analysis of the issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

### Assessment Rates

In accordance with 19 CFR 351.221(b)(4)(i), we preliminarily assigned subsidy rates in the amounts for the producer/exporters shown above. 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 CBP shall assess, countervailing duties on all appropriate entries covered by this review.

For the companies for which this review is rescinded, Commerce 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). Commerce intends to issue assessment instructions to CBP for these companies no earlier than 35 days after the publication of the preliminary results of this review in the **Federal Register**.

For the companies for which this review is not rescinded, 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

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

amounts shown for each of the respective companies listed above and in Appendix IV 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 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: February 28, 2024.

**Ryan Majerus,**

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

### Appendix I

#### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Final Rescission of Review, in Part
- IV. Non-Selected Companies Under Review
- V. Scope of the *Order*
- VI. Diversification of China's Economy
- VII. Use of Facts Otherwise Available and Application of Adverse Inferences
- VIII. Subsidies Valuation
- IX. Interest Rate Benchmarks, Discount Rates, Inputs, Land-Use and Electricity Benchmarks
- X. Analysis of Programs
- XI. Recommendation

### Appendix II

#### Companies for Which All Review Requests Were Timely Withdrawn<sup>27</sup>

1. Fujian Sanming City Donglai Wood Co., Ltd.
2. Xiamen Jinxi Building Material Co., Ltd.
3. Zhangzhou Green Wood Industry and Trade Co., Ltd.
4. Zhejiang Senya Board Industry Co., Ltd.

### Appendix III

#### Companies for Which the Review Is Rescinded Due to No Reviewable Entries

1. Aventura Inc.
2. Baixing Import and Export Trading Co., Ltd Youxi Fujian

<sup>27</sup> Commerce received timely requests to withdraw the review for Fujian Province Youxi County Baiyuan Wood Machining Co., Ltd. (Baiyuan) and Suqian Sulu Import & Export Trading Co., Ltd. (Sulu). As discussed above, Baiyuan is the cross-owned affiliate of mandatory respondent Jinquan. In addition, Commerce received review requests for Sulu from both the petitioner and Sulu; but only the petitioner's request was withdrawn. Accordingly, we are not rescinding this review for either Baiyuan or Sulu.

3. Bel Trade Wood Industrial Co.
4. Bel Trade Wood Industrial Co., Ltd Youxi Fujian
5. Cao County Hengda Wood Products Co., Ltd.
6. China Cornici Co. Ltd.
7. Fujian Shunchang Shengsheng Wood Industry Limited Company
8. Fujian Zhangping Kimura Forestry Products Co., Ltd.
9. Jiangsu Chensheng Forestry Development Co., Ltd.
10. Omni One Co., Limited
11. Raoping HongRong Handicrafts Co., Ltd. (d.b.a. Chen Chui Global Corp.)
12. Shenzhen Xinjintai Industrial Co., Ltd.
13. Wuxi Boda Bamboo & Wood Industrial Co., Ltd.

### Appendix IV

#### Non-Selected Companies Under Review

1. Anji Huaxin Bamboo & Wood Products Co., Ltd.
2. Composite Technology International, Limited<sup>28</sup>
3. Fotiou Frames Limited<sup>29</sup>
4. Fujian Hongjia Craft Products Co., Ltd.
5. Fujian Wangbin Decorative Material Co., Ltd.
6. Fujian Youxi Best Arts & Crafts Co. Ltd.
7. Homebuild Industries Co., Ltd.
8. Huaan Longda Wood Industry Co., Ltd.
9. Jiangsu Wenfeng Wood Co., Ltd.
10. Longquan Jiefeng Trade Co., Ltd.
11. Nanping Huatai Wood & Bamboo Co., Ltd.
12. Nanping Huatai Wood and Bamboo Co., Ltd.
13. Putian Yihong Wood Industry Co., Ltd.
14. Shandong Miting Household Co., Ltd.
15. Shaxian Hengtong Wood Industry Co., Ltd.
16. Shaxian Shiyiwood, Ltd.
17. Shuyang Kevin International Co., Ltd.
18. Shuyang Zhongding Decoration Materials Co., Ltd.
19. Suqian Sulu Import & Export Trading Co., Ltd.
20. Zhangzhou Wangjiamei Industry & Trade Co., Ltd.
21. Zhangzhou Yihong Industrial Co., Ltd.

[FR Doc. 2024-04624 Filed 3-4-24; 8:45 am]

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<sup>28</sup> As discussed in the Preliminary Decision Memorandum, this company objected to Commerce's Intent to Rescind Memorandum; Commerce will continue to consider this company's entry claim and whether or not it is appropriate to rescind the review with respect to this company for the final results.

<sup>29</sup> As discussed in the Preliminary Decision Memorandum, this company objected to Commerce's Intent to Rescind Memorandum; Commerce will continue to consider this company's entry claim and whether or not it is appropriate to rescind the review with respect to this company for the final results.

**DEPARTMENT OF COMMERCE****International Trade Administration****[C-570-074]****Common Alloy Aluminum Sheet From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review and Rescission of Review, in Part; 2022**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies were provided to producers and exporters of common alloy aluminum sheet (CAAS) from the People's Republic of China (China) during the period of review (POR), January 1, 2022, through December 31, 2022. In addition, Commerce is rescinding the review in part, with respect to two companies. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable March 5, 2024.

**FOR FURTHER INFORMATION CONTACT:** Scarlet K. Jaldin, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4275.

**SUPPLEMENTARY INFORMATION:****Background**

On February 6, 2019, Commerce published in the *Federal Register* the countervailing duty (CVD) order on CAAS from China.<sup>1</sup> On April 11, 2023, Commerce published in the *Federal Register* a notice of initiation of an administrative review of the *Order*.<sup>2</sup> On May 26, 2023, we selected Yinbang Clad Material Co., Ltd. (Yinbang) and Zhengzhou Mingtai Industry Co., Ltd. (Zhengzhou Mingtai) as mandatory respondents.<sup>3</sup> Because Zhengzhou Mingtai failed to respond to the Initial Questionnaire, we selected Jiangsu Alcha Aluminum Co., Ltd. as an additional mandatory respondent.<sup>4</sup>

<sup>1</sup> See *Common Alloy Aluminum Sheet from the People's Republic of China: Countervailing Duty Order*, 84 FR 2157 (February 6, 2019) (*Order*).

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 21609, 21624 (April 11, 2023) (*Initiation Notice*).

<sup>3</sup> See Memorandum, "Respondent Selection Memorandum," dated May 26, 2023.

<sup>4</sup> See Memorandum, "Selection of Additional Mandatory Respondent for Individual Examination," dated August 23, 2023.

From January 8 through January 26, 2024, we conducted virtual verifications for Yinbang and Jiangsu Alcha Aluminum Co. Ltd. On February 14, 2024, Commerce initiated an investigation on new subsidy and unequityworthiness allegations, which we intend to analyze in a post-preliminary memorandum.<sup>5</sup> On September 27, 2023, Commerce extended the deadline for completion of these preliminary results until February 28, 2024.<sup>6</sup>

For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.<sup>7</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 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 product covered by the *Order* is CAAS from China. For a complete description of the scope of the *Order*, see the Preliminary Decision Memorandum.

**Methodology**

Commerce is conducting this 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 preliminarily found to be countervailable, we determine that there is a subsidy, (*i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific).<sup>8</sup> For a

<sup>5</sup> See Memorandum, "New Subsidy and Unequityworthiness Allegations," dated February 14, 2024.

<sup>6</sup> See Memorandum, "Extension for Preliminary Results of Countervailing Duty Administrative Review; 2022," dated September 27, 2023.

<sup>7</sup> See Memorandum, "Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review and Rescission of Review, in Part: Common Alloy Aluminum Sheet from the People's Republic of China; 2022," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>8</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E)

full description of the methodology underlying our preliminary conclusions, including our reliance, in part, on facts available with adverse inferences pursuant to sections 776(a) and (b) of the Act, see the Preliminary Decision Memorandum.

**Rescission of Administrative Review, in Part**

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation. The requests for review for two companies, Mingtai Aluminum and Henan Mingshen New Material Technology, were timely withdrawn, pursuant to 19 CFR 351.213(d)(1), by the only requesting party.<sup>9</sup> Because the requests were timely withdrawn, and no other parties requested a review of these companies, in accordance with 19 CFR 351.213(d)(1), Commerce is rescinding this review of the *Order* with respect to these two companies.

**Preliminary Results of Review**

In accordance with 19 CFR 351.221(b)(4)(i), Commerce calculated a countervailable subsidy rate for the mandatory respondents that are identified below. We determined the countervailable subsidy rate for Zhengzhou Mingtai based entirely on AFA, in accordance with section 776 of the Act. Because there are no other producers or exporters subject to this review that were not selected for individual examination (*i.e.*, non-selected companies), Commerce does not need to establish a rate for such companies in this review.<sup>10</sup>

Commerce preliminarily determines the net countervailable subsidy rates for the period January 1, 2022, through December 31, 2022, are as follows:

of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

<sup>9</sup> See Preliminary Decision Memorandum.

<sup>10</sup> In the *Initiation Notice*, Commerce also initiated a review on Jiangsu Alcha Aluminium Group., Ltd. and Jiangsu Alcha Aluminium Group Co., Ltd. The respondent reported that Jiangsu Alcha Aluminium Group Co., Ltd. is the current legal name of the company, but is used interchangeably with Jiangsu Alcha Aluminium Group Co., Ltd. The respondent also reported that due to the recent change, Jiangsu Alcha Aluminium Co., Ltd. and Jiangsu Alcha Aluminium Group Co., Ltd. refer to the same entity.

Producer/exporter	Subsidy rate (percent ad valorem)
Jiangsu Alcha Aluminum Co., Ltd., Jiangsu Alcha Aluminium Co., Ltd. (now known as Jiangsu Alcha Aluminium Group Co., Ltd., and Jiangsu Alcha Aluminum Group Co., Ltd.); <sup>11</sup> Alcha International Holdings Limited; Baotou Alcha Aluminium Co., Ltd., Baotou Alcha Aluminum Co., Ltd., Baotou Alcha North Aluminum Co., Ltd., and Baotou Changlv Northern Aluminium Industry Co., Ltd.; <sup>12</sup> and Jiangsu Alcha New Energy Materials Co., Ltd. <sup>13</sup> .....	23.27
Yinbang Clad Material Co., Ltd. (Yinbang) .....	29.96
Zhengzhou Mingtai Industry Co., Ltd .....	379.60

### Disclosure and Public Comment

We will disclose to interested parties the calculations performed for these preliminary results within five days of the date of publication of this notice.<sup>14</sup> Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Commerce will notify interested parties of the deadline for submission of case briefs. 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>15</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>16</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>17</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 determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that

<sup>11</sup> See *supra*, n. 11; see also Preliminary Decision Memorandum.

<sup>12</sup> See Preliminary Decision Memorandum at Section II, “Background.”

<sup>13</sup> *Id.* at Section “B. Attribution of Subsidies” under “V. Subsidies Valuation.”

<sup>14</sup> See 19 CFR 351.224(b).

<sup>15</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>16</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>17</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.

Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).<sup>18</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically, using ACCESS. Hearing requests should contain the party’s name, address, and telephone number, the number of participants, and a list of the issues to be discussed. Issues raised in the hearing will be limited to those raised in the case and rebuttal briefs. An electronically filed request must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time, within 30 days of the publication date of this notice. If a request for a hearing is made, parties will be notified of the time and date of the hearing.<sup>19</sup>

### Assessment Rates

In accordance with 751(a)(2)(C) of the Act and 19 CFR 351.221(b)(4)(i), we preliminarily assigned subsidy rates in the amounts for the producers/exporters shown above. 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 CBP shall assess, countervailing duties on all appropriate entries covered by this review.

With regard to Jiangsu Alcha, we intend to instruct CBP to assess countervailing duties on all appropriate entries covered by this review under both its old and new names (*i.e.*, Jiangsu Alcha Aluminum Group Co., Ltd., Jiangsu Alcha Aluminium Group Co., Ltd., Jiangsu Alcha Aluminum Co., Ltd. and Jiangsu Alcha Aluminium Co., Ltd.). Concerning Baotou Alcha, we intend to instruct CBP to assess countervailing duties on all appropriate entries covered by this review for all of its names identified in this notice.

For Mingtai Aluminum and Henan Mingshen New Material Technology, the companies for which this review is

being rescinded with these preliminary results, 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). 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 Rates

In accordance with section 751(a)(2)(C) of the Act, Commerce intends, upon publication of the final results, to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts indicated for the producers/exporters 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 review. With regard to Jiangsu Alcha, we intend to instruct CBP to collect cash deposits of estimated countervailing duties under all of its name variations identified in this notice. Concerning Baotou Alcha, we intend to instruct CBP to collect cash deposits of estimated countervailing duties under all of its names identified in this notice. If the rate calculated in the final results is zero or *de minimis*, no cash deposit will be required on shipments of the subject merchandise entered or withdrawn from warehouse, for consumption on or after the date of publication of final results of this review. These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Final Results

Unless the deadline is extended, we intend to issue the final results of this

<sup>18</sup> See *APO and Service Final Rule*.

<sup>19</sup> See 19 CFR 351.310(d).



administrative review, which will include our analysis of the issues raised in the case briefs, within 120 days after the date of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

#### Notification to Interested Parties

These preliminary results are issued and published pursuant to sections 751(a)(l) and 777(i)(l) of the Act, and 19 CFR 351.213 and 351.221(b)(4).

Dated: February 28, 2024.

**Ryan Majerus,**

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

#### Appendix

##### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. New Subsidy Allegation
- IV. Rescission of Administrative Review, in Part
- V. Scope of the Order
- VI. Diversification of China's Economy
- VII. Subsidies Valuation
- VIII. Interest Rate Benchmarks, Discount Rates, and Benchmarks for Measuring Adequacy of Remuneration
- IX. Use of Facts Otherwise Available and Application of Adverse Inferences
- X. Analysis of Programs
- XI. Recommendation

[FR Doc. 2024-04623 Filed 3-4-24; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-840]

#### Certain Frozen Warmwater Shrimp From India: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission; 2022–2023

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that certain frozen warmwater shrimp (shrimp) from India is being, or is likely to be, sold in the United States at less than normal value (NV) during the period of review (POR) February 1, 2022, through January 31, 2023. In addition, Commerce is rescinding this review, in part, with respect to 164 companies because these companies had no reviewable entries of subject merchandise during the POR.

We invite interested parties to comment on these preliminary results.

**DATES:** Applicable March 5, 2024.

**FOR FURTHER INFORMATION CONTACT:** Herawe Kebede or Ashley Cossaart, 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) 482–4312 or (202) 482–0462, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On April 11, 2023, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), Commerce initiated an administrative review of the antidumping duty order on shrimp from India.<sup>1</sup> This review covers 198 producers and/or exporters of the subject merchandise. Commerce selected two mandatory respondents for individual examination: NK Marine Exports LLP (NK Marine); and RSA Marines/Royal Oceans (RSA Marines).<sup>2</sup> For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.<sup>3</sup>

##### Scope of the Order

The merchandise subject to the order is certain frozen warmwater shrimp. The product is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 0306.17.00.04, 0306.17.00.05, 0306.17.00.07, 0306.17.00.08, 0306.17.00.10, 0306.17.00.11, 0306.17.00.13, 0306.17.00.14, 0306.17.00.16, 0306.17.00.17, 0306.17.00.19, 0306.17.00.20, 0306.17.00.22, 0306.17.00.23, 0306.17.00.25, 0306.17.00.26, 0306.17.00.28, 0306.17.00.29, 0306.17.00.41, 0306.17.00.42, 1605.21.10.30, and

1605.29.10.10. Although the HTSUS subheadings are provided for convenience and for customs purposes, the written product description remains dispositive.<sup>4</sup>

#### Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an antidumping duty order where it concludes that there were no suspended entries of subject merchandise during the POR.<sup>5</sup> Normally, upon completion of an administrative review, the suspended entries are liquidated at the antidumping duty assessment rate for the review period.<sup>6</sup> Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the calculated antidumping duty assessment rate for the review period.<sup>7</sup> Commerce notified all interested parties of its intent to rescind the instant review regarding the companies listed in Appendix III because there were no reviewable, suspended entries of subject merchandise from these companies during the POR and invited interested parties to comment.<sup>8</sup> We received comments from the American Shrimp Processors Association (ASPA), arguing that Commerce should not rescind the review for the companies listed in the Intent to Rescind Memorandum because these companies have not submitted no-

<sup>4</sup> For a complete description of the scope of the order, see the Preliminary Decision Memorandum.

<sup>5</sup> See, e.g., *Certain Carbon and Alloy Steel Cut-to Length Plate from the Federal Republic of Germany: Rescission of Antidumping Administrative Review; 2020–2021*, 88 FR 4154 (January 24, 2023).

<sup>6</sup> See 19 CFR 351.212(b)(1).

<sup>7</sup> See, e.g., *Shanghai Sunbeauty Trading Co. v. United States*, 380 F. Supp. 3d 1328, 1337 (CIT 2019), at 12 (referring to section 751(a) of the Act, the CIT held: “While the statute does not explicitly require that an entry be suspended as a prerequisite for establishing entitlement to a review, it does explicitly state the determined rate will be used as the liquidation rate for the reviewed entries. This result can only obtain if the liquidation of entries has been suspended”; see also *Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–2019*, 86 FR 36102, and accompanying Issues and Decision Memorandum at Comment 4; and *Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation: Notice of Rescission of Antidumping Duty Administrative Review*, 77 FR 65532 (October 29, 2012) (noting that “for an administrative review to be conducted, there must be a reviewable, suspended entry to be liquidated at the newly calculated assessment rate”).

<sup>8</sup> See Memorandum, “Notice of Intent to Rescind Review, In Part,” dated February 1, 2024 (Intent to Rescind Memorandum).

<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 21609 (April 11, 2023).

<sup>2</sup> We determined that it was appropriate to collapse Royal Oceans and RSA Marines and treat these companies as a single entity in the 2019–2020 administrative review. See *Certain Frozen Warmwater Shrimp from India: Preliminary Results of Antidumping Duty Administrative Review; 2019–2020*, 86 FR 33658 (June 25, 2021), and accompanying Preliminary Decision Memorandum at 4, unchanged in *Certain Frozen Warmwater Shrimp From India: Final Results of Antidumping Duty Administrative Review; 2019–2020*, 86 FR 67740 (November 26, 2021).

<sup>3</sup> See Memorandum, “Decision Memorandum for the Preliminary Results of the 2022–2023 Administrative Review of the Antidumping Duty Order on Certain Frozen Warmwater Shrimp from India,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).



shipment certifications.<sup>9</sup> However, In the absence of any suspended entries of subject merchandise from these companies during the POR, we are rescinding this administrative review for the companies listed in Appendix III, in accordance with 19 CFR 351.213(d)(3).

### Methodology

Commerce is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. A list of the topics discussed in the Preliminary Decision Memorandum is attached as Appendix I 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>.

### Review-Specific Average Rate for Companies Not Selected for Individual Review

The Act and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally "an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually examined, excluding any margins that are zero, *de minimis* (i.e., less than 0.5 percent), or determined entirely on the basis of facts available."

For these preliminary results, because the rate calculated for RSA Marines is

zero, we have preliminarily assigned a dumping margin to these companies based on the rate calculated for NK Marine.

### Preliminary Results of Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margins exist for the respondents for the period February 1, 2022, through January 31, 2023:

Exporter/producer	Weighted-average dumping margin (percent)
NK Marine Exports LLP .....	2.49
RSA Marines; Royal Oceans .....	0.00
Companies Not Selected for Individual Review <sup>10</sup> .....	2.49

### Disclosure and Public Comment

Commerce intends to disclose its calculations and analysis performed in connection with these preliminary results to interested parties 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).

Pursuant to 19 CFR 351.309(c)(1)(ii), 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 five days after the date for filing case briefs.<sup>11</sup> Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of content listing each issue; and (2) a table of authorities.<sup>12</sup> Case and rebuttal briefs should be filed using ACCESS.

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>13</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 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>14</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. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing.<sup>15</sup>

Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice in the **Federal Register**, unless otherwise extended.<sup>16</sup>

### Assessment Rates

Upon completion of the administrative review, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.<sup>17</sup> Pursuant to 19 CFR 351.212(b)(1), because both respondents reported the entered value for all of their U.S. sales, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c), or an importer-specific rate is zero or *de*

<sup>10</sup> The exporters or producers not selected for individual review are listed in Appendix II.

<sup>11</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>12</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>13</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.

<sup>14</sup> See *APO and Service Final Rule*.

<sup>15</sup> See 19 CFR 351.310(d).

<sup>16</sup> See section 751(a)(3)(A) of the Act.

<sup>17</sup> See 19 CFR 351.212(b)(1).

<sup>9</sup> See ASPA's Letter, "Comments on Intent to Rescind," dated February 2, 2024.

*minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's "automatic assessment" will apply to entries of subject merchandise during the POR produced by NK Marine or RSA Marines for which these companies did not know that the merchandise they sold to the intermediary (e.g., a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.<sup>18</sup>

For the companies listed in Appendix II which were not selected for individual review, we will assign an assessment rate based on the review-specific rate, calculated as noted in the "Review-Specific Rate for Companies Not Selected for Individual Review" section, above. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.<sup>19</sup>

For the companies listed in Appendix III for which we are rescinding the review, we will instruct CBP to assess antidumping duties on all appropriate entries at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue these rescission instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

Commerce intends to issue assessment instructions to CBP regarding NK Marine, RSA Marines, and the companies listed in Appendix II 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 deposit requirements will be effective for all shipments of the subject merchandise entered, or

withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not covered by this review, the cash deposit 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 (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 10.17 percent, the all-others rate established in the LTFV investigation.<sup>20</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) 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 the Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 28, 2024.

**Ryan Majerus,**

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

#### Appendix I

##### List of Topics Discussed in the Preliminary Decision Memorandum

##### I. Summary

<sup>20</sup> See Notice of Amended Final Determination of Sale at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from India, 70 FR 5147 (February 1, 2005).

- II. Background
- III. Scope of the Order
- IV. Discussion of the Methodology
- V. Currency Conversion
- VI. Recommendation

#### Appendix II

##### Review-Specific Average Rate Applicable to Companies Not Selected for Individual Review

1. Accelerated Freeze Drying Co.
2. ADF Foods Ltd.
3. Albys Agro Private Limited
4. Blue Park Seafoods Pvt. Ltd.
5. C.P. Aquaculture (India) Pvt. Ltd.
6. Corlim Marine Exports Pvt. Ltd.
7. Dwaraka Sea Foods
8. Hari Marine Private Limited
9. High Care Marine Foods Exports Private Limited
10. Highland Agro
11. Hyson Exports Private Limited
12. Jude Foods India Private Limited
13. Kay Kay Exports; Kay Kay Foods
14. Mangala Sea Products
15. Megaa Moda Pvt. Ltd.
16. Milsha Agro Exports Pvt. Ltd.
17. Mindhola Foods LLP
18. MMC Exports Limited
19. Naq Foods India Private Limited
20. Orchid Marine Exports Private Limited
21. Rajyalakshmi Marine Exports
22. Sahada Exports
23. Sai Aquatechs Private Limited
24. Shimpo Exports Private Limited
25. Sigma Seafoods
26. Sonia Marine Exports Private Limited
27. Sterling Foods
28. Supran Exim Private Limited
29. Uniloids Biosciences Private Limited
30. Vinner Marine
31. West Coast Fine Foods (India) Private Limited
32. West Coast Frozen Foods Private Limited
33. Zeal Aqua Limited

#### Appendix III

##### Companies With No Reviewable Entries

1. Abad Fisheries; Abad Fisheries Pvt. Ltd.
2. Al-Hassan Overseas Private Limited
3. Allana Frozen Foods Pvt. Ltd.
4. Allanasons Ltd.
5. Alps Ice & Cold Storage Private Limited
6. Amaravathi Aqua Exports Private Ltd.
7. Amarsagar Seafoods Private Limited
8. Amulya Seafoods
9. Anantha Seafoods Private Limited
10. Anjaneya Seafoods
11. Asvini Agro Exports
12. Ayshwarya Sea Food Private Limited
13. B R Traders
14. Baby Marine Eastern Exports
15. Baby Marine Exports
16. Baby Marine International
17. Baby Marine Sarass
18. Baby Marine Ventures
19. Balasore Marine Exports Private Limited
20. Basu International
21. BB Estates & Exports Private Limited
22. Bell Foods (Marine Division); Bell Exim Private Limited (Bell Foods (Marine Division)); Bhatsons Aquatic Products
23. Bhavani Seafoods
24. Bhimraj Exports Private Limited
25. Bijaya Marine Products

<sup>18</sup> For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

<sup>19</sup> See section 751(a)(2)(C) of the Act.

26. Blue-Fin Frozen Foods Private Limited  
 27. Blue Water Foods & Exports P. Ltd.  
 28. Britto Seafood Exports Pvt Ltd.; Britto Exports; Britto Exports Pvt Ltd.  
 29. Calcutta Seafoods Pvt. Ltd.; Bay Seafood Pvt. Ltd.; Elque & Co.  
 30. Canaan Marine Products  
 31. Capithan Exporting Co.  
 32. Cargomar Private Limited  
 33. Chakri Fisheries Private Limited  
 34. Chemmeens (Regd)  
 35. Cherukattu Industries (Marine Div); Cherukattu Industries  
 36. Choice Canning Company  
 37. Cochin Frozen Food Exports Pvt. Ltd.  
 38. Cofoods Processors Private Limited  
 39. Continental Fisheries India Private Limited  
 40. Coreline Exports  
 41. CPF (India) Private Limited  
 42. Crystal Sea Foods Private Limited  
 43. Danica Aqua Exports Private Limited  
 44. Datla Sea Foods  
 45. Deepak Nexgen Foods and Feeds Pvt. Ltd.  
 46. Delsea Exports Pvt. Ltd.  
 47. Devi Sea Foods Limited  
 48. Empire Industries Limited  
 49. Entel Food Products Private Limited  
 50. Esmario Export Enterprises  
 51. Everblue Sea Foods Private Limited  
 52. Febin Marine Foods Private Limited; Febin Marine Foods  
 53. Fedora Sea Foods Private Limited  
 54. Food Products Pvt., Ltd.; Parayil Food Products Pvt., Ltd.  
 55. Forstar Frozen Foods Pvt. Ltd.  
 56. Fouress Food Products Private Limited  
 57. Frontline Exports Pvt. Ltd.  
 58. G A Randerian Ltd.; G A Randerian (P) Limited  
 59. Gadre Marine Exports; Gadre Marine Exports Pvt. Ltd.  
 60. Galaxy Maritech Exports P. Ltd.  
 61. Geo Aquatic Products (P) Ltd.  
 62. Grandtrust Overseas (P) Ltd.  
 63. Green Asia Impex Private Limited  
 64. GVR Exports Pvt. Ltd.  
 65. Haripriya Marine Exports Pvt. Ltd.  
 66. HIC ABF Special Foods Pvt. Ltd.  
 67. Hiravati Exports Pvt. Ltd.  
 68. Hiravati International Pvt. Ltd.  
 69. Hiravati Marine Products Private Limited  
 70. HMG Industries Ltd.  
 71. HN Indigos Private Limited  
 72. HT Foods Private Limited  
 73. Hyson Logistics and Marine Exports Private Limited  
 74. Indian Aquatic Products  
 75. Indo Aquatics  
 76. Indo Fisheries  
 77. Indo French Shellfish Company Private Limited  
 78. International Freezefish Exports  
 79. Jinny Marine Traders  
 80. K.V. Marine Exports  
 81. Karunya Marine Exports Private Limited  
 82. Kaushalya Aqua Marine Product Exports Pvt. Ltd.  
 83. Kings Infra Ventures Limited  
 84. Kings Marine Products  
 85. Koluthara Exports Ltd.  
 86. Libran Foods  
 87. Lito Marine Exports Private Limited  
 88. Marine Harvest India  
 89. Milsha Sea Products  
 90. Minaxi Fisheries Private Limited

91. Minh Phu Group  
 92. MTR Foods  
 93. Naik Frozen Foods Private Limited; Naik Frozen Foods  
 94. Naik Oceanic Exports Pvt. Ltd.; Rafiq Naik Exports Pvt. Ltd.  
 95. Naik Seafoods Ltd.  
 96. NAS Fisheries Pvt. Ltd.  
 97. Nine Up Frozen Foods  
 98. Nutrient Marine Foods Limited  
 99. Oceanic Edibles International Limited  
 100. Paragon Sea Foods Pvt. Ltd.  
 101. Paramount Seafoods  
 102. Pesca Marine Products Pvt., Ltd.  
 103. Pijikay International Exports P Ltd.  
 104. Poyilakada Fisheries Private Limited  
 105. Pravesh Seafood Private Limited  
 106. Premier Exports International  
 107. Premier Marine Foods  
 108. Premier Seafoods Exim (P) Ltd.  
 109. Protech Organo Foods Private Limited  
 110. R V R Marine Products Private Limited  
 111. Raju Exports  
 112. Ram's Assorted Cold Storage Limited  
 113. Raunaq Ice & Cold Storage  
 114. RDR Exports  
 115. RF Exports Private Limited  
 116. Rising Tide  
 117. Riyarchita Agro Farming Private Limited  
 118. Rupsha Fish Private Limited  
 119. S Chanchala Combines  
 120. Safera Food International  
 121. Sagar Samrat Seafoods  
 122. Sai Sea Foods  
 123. Salet Seafoods Pvt. Ltd.  
 124. Samaki Exports Private Limited  
 125. Sanchita Marine Products Private Limited  
 126. Sassoondock Matsyodyog Sahakari Society Ltd.  
 127. Sea Doris Marine Exports  
 128. Seagold Overseas Pvt. Ltd.  
 129. Seasaga Enterprises Private Limited; Seasaga Group  
 130. Shimpo Seafoods Private Limited  
 131. Shiva Frozen Food Exp. Pvt. Ltd.  
 132. Shroff Processed Food & Cold Storage P Ltd.  
 133. Silver Seafood  
 134. Sita Marine Exports  
 135. Sonia Fisheries  
 136. Sreeragam Exports Private Limited  
 137. Sri Sakthi Cold Storage  
 138. Srikanth International  
 139. SSF Ltd.  
 140. St. Peter & Paul Sea Food Exports Pvt. Ltd.  
 141. Star Agro Marine Exports Private Limited  
 142. Star Organic Foods Private Limited  
 143. Stellar Marine Foods Private Limited  
 144. Sun Agro Exlm  
 145. Suvarna Rekha Exports Private Limited  
 146. Suvarna Rekha Marines P Ltd.  
 147. TBR Exports Private Limited  
 148. Tej Aqua Feeds Private Limited  
 149. Teekay Marines Private Limited; Teekay Marine P. Ltd.  
 150. The Waterbase Limited  
 151. Torry Harris Seafoods Ltd.  
 152. Triveni Fisheries P Ltd.  
 153. U & Company Marine Exports  
 154. Ulka Sea Foods Private Limited  
 155. Uniroyal Marine Exports Ltd.  
 156. Unitriveni Overseas Private Limited; Unitriveni Overseas

157. Vaisakhi Bio-Marine Private Limited  
 158. Vasai Frozen Food Co.  
 159. Varma Marine  
 160. Veronica Marine Exports Private Ltd.  
 161. Victoria Marine & Agro Exports Ltd.  
 162. Vitality Aquaculture Pvt. Ltd.  
 163. VKM Foods Private Limited  
 164. VRC Marine Foods LLP

[FR Doc. 2024-04620 Filed 3-4-24; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Renewable Energy and Energy Efficiency Advisory Committee

**AGENCY:** International Trade Administration, Department of Commerce.

**ACTION:** Notice of an open meeting.

**SUMMARY:** The Renewable Energy and Energy Efficiency Advisory Committee (REEEAC or the Committee) will hold a virtual meeting, accessible to the public online, on Thursday, March 21, 2024 at the U.S. Department of Commerce in Washington, DC, Registration instructions for the public to attend virtually are provided below.

**DATES:** Thursday, March 21, 2024, from approximately 2:00 p.m. to 4:00 p.m. Eastern Standard Time (EST). Members of the public wishing to participate must register in advance with Cora Dickson at the contact information below by 5:00 p.m. EST on Monday, March 18, 2024, including any requests to make comments during the meeting or for accommodations or auxiliary aids.

**ADDRESSES:** To register, please contact Cora Dickson, Designated Federal Officer (DFO), Office of Energy and Environmental Industries (OEEI), Industry and Analysis, International Trade Administration, U.S. Department of Commerce at (202) 482-6083; email: [Cora.Dickson@trade.gov](mailto:Cora.Dickson@trade.gov).

**FOR FURTHER INFORMATION CONTACT:** Cora Dickson, DFO, Office of Energy and Environmental Industries (OEEI), Industry and Analysis, International Trade Administration, U.S. Department of Commerce at (202) 482-6083; email: [Cora.Dickson@trade.gov](mailto:Cora.Dickson@trade.gov). Registered participants joining virtually will be emailed the login information for the meeting, which will be accessible as a livestream via WebEx Webinar.

#### SUPPLEMENTARY INFORMATION:

*Background:* The Secretary of Commerce established the REEEAC pursuant to discretionary authority and in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. 1001 *et seq.*), on July 14, 2010.

The REEEAC was re-chartered most recently on May 27, 2022. The REEEAC provides the Secretary of Commerce with advice from the private sector on the development and administration of programs and policies to expand the export competitiveness of U.S. renewable energy and energy efficiency products and services. More information about the REEEAC, including the list of appointed members for this charter, is published online at <http://trade.gov/reeeac>.

On March 21, 2024, the REEEAC will hold the seventh meeting of its current charter term. The Committee will deliberate on approval of several recommendations. The agenda will be made available by March 21, 2024 upon request to Cora Dickson, and the most current version of the agenda will also be made available on the REEEAC website.

The meeting will be open to the public and will be accessible to people with disabilities. All guests are required to register in advance by the deadline identified under the **DATES** caption. Requests for auxiliary aids must be submitted by the registration deadline. Last minute requests will be accepted but may not be possible to fill.

A limited amount of time before the close of the meeting will be available for oral comments from members of the public attending the meeting. Members of the public attending virtually who wish to speak during the public comment period must give the DFO advance notice in order to facilitate their access. To accommodate as many speakers as possible, the time for public comments will be limited to two to five minutes per person (depending on number of public participants). Individuals wishing to reserve speaking time during the meeting must contact Cora Dickson using the contact information above and submit a brief statement of the general nature of the comments, as well as the name and address of the proposed participant, by 5:00 p.m. EST on Monday, March 18, 2024. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers. Speakers are requested to submit a copy of their oral comments by email to Cora Dickson for distribution to the participants in advance of the meeting.

Any member of the public may submit written comments concerning the REEEAC's affairs at any time before or after the meeting. Comments may be submitted via email to the Renewable Energy and Energy Efficiency Advisory

Committee, c/o: Cora Dickson, Designated Federal Officer, Office of Energy and Environmental Industries, U.S. Department of Commerce; [Cora.Dickson@trade.gov](mailto:Cora.Dickson@trade.gov). To be considered during the meeting, public comments must be transmitted to the REEEAC prior to the meeting. As such, written comments must be received no later than 5:00 p.m. EST on Monday, March 18, 2024. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of REEEAC meeting minutes will be available within 30 days following the meeting.

Dated: February 28, 2024.

**Man K. Cho,**

*Deputy Director, Office of Energy and Environmental Industries.*

[FR Doc. 2024-04555 Filed 3-4-24; 8:45 am]

**BILLING CODE 3510-DR-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-580-837]

#### **Certain Cut-to-Length Carbon-Quality Steel Plate From the Republic of Korea: Preliminary Results and Partial Rescission of 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 certain exporters/producers of certain cut-to-length plate (CTL plate) from the Republic of Korea (Korea) received countervailable subsidies during the period of review (POR) January 1, 2022, through December 31, 2022. We invite interested parties to comment on these preliminary results.

**DATES:** Applicable March 5, 2024.

**FOR FURTHER INFORMATION CONTACT:** Kristen Johnson or Laura Griffith, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4793 or (202) 482-6430, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On February 10, 2000, Commerce published in the **Federal Register** the countervailing duty (CVD) order on CTL

plate from Korea.<sup>1</sup> On April 11, 2023, Commerce published in the **Federal Register** its initiation of the CVD administrative review of the *Order* for the period of January 1, 2022, to December 31, 2022.<sup>2</sup> On June 14, 2023, Commerce selected Dongkuk Steel Mill Co., Ltd. (DSM) and Hyundai Steel Company (Hyundai Steel), as the mandatory respondents in this administrative review.<sup>3</sup>

On September 22, 2023, Commerce extended the deadline for issuance of the preliminary results of this review by 120 days until February 28, 2024, in accordance with 19 CFR 351.213(h)(2).<sup>4</sup>

For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.<sup>5</sup> A list of topics discussed in the Preliminary Decision Memorandum is included in the 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>.

##### **Scope of the Order**

The product covered by this *Order* is certain cut-to-length carbon-quality steel plate. For a complete description of the scope of the *Order*, see the Preliminary Decision Memorandum.

##### **Partial Rescission of Administrative Review**

On July 10, 2023, the domestic interested parties<sup>6</sup> timely withdrew

<sup>1</sup> See *Notice of Amended Final Determinations: Certain Cut-to-Length Carbon-Quality Steel Plate from India and the Republic of Korea; and Notice of Countervailing Duty Orders: Certain Cut-To-Length Carbon-Quality Steel Plate from France, India, Indonesia, Italy, and the Republic of Korea*, 65 FR 6587 (February 10, 2000) (*Order*).

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 21609 (April 11, 2023).

<sup>3</sup> See Memorandum, "Respondent Selection," dated June 14, 2023.

<sup>4</sup> See Memorandum, "Extension of Deadline for Preliminary Results," dated September 22, 2023.

<sup>5</sup> See Memorandum, "Decision Memorandum for the Preliminary Results of the Administrative Review of the Countervailing Duty Order on Certain Cut-To-Length Carbon-Quality Steel Plate from the Republic of Korea; 2022," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>6</sup> The domestic interested parties are Nucor Corporation (Nucor), SSAB Enterprises, LLC, and Cleveland-Cliffs Inc.

their request for an administrative review of BDP International and Sung Jin Steel Co., Ltd. No other party requested a review of these companies. Accordingly, we are rescinding this review, in part, with respect to BDP International and Sung Jin Steel Co., Ltd., pursuant to 19 CFR 351.213(d)(1). For further information, see “Partial Rescission of Administrative Review” in 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 countervailable, we preliminarily determine that there is a subsidy, *i.e.*, a financial contribution by an “authority” that confers a benefit to the recipient, and that the subsidy is specific.<sup>7</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 rates for the period January 1, 2022, through December 31, 2022:

Company	Net countervailable subsidy rate (percent)
Dongkuk Steel Mill Co., Ltd .....	1.93
Hyundai Steel Company <sup>8</sup>	2.21

### Assessment Rate

In accordance with 19 CFR 351.221(b)(4)(i), Commerce has preliminarily assigned subsidy rates as indicated above. Consistent with section 751(a)(2)(C) of the Act, upon issuance of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by 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 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).

For the companies for which this review is rescinded, Commerce 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). Commerce intends to issue rescission instructions to CBP no earlier than 35 days after the date of publication of the notice of rescission in the **Federal Register**.

### Cash Deposit Rate

Pursuant to section 751(a)(2)(C) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount indicated above with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit instructions, when imposed, shall remain in effect until further notice.

### Disclosure and Public Comment

We intend to disclose the calculations performed to parties within five days after public announcement of the preliminary results.<sup>9</sup> Interested parties will be notified of the timeline for the submission of case briefs and written comments 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>10</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>11</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>12</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 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>13</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.

### Final Results

Unless the deadline is extended, we intend to issue the final results of this administrative review, which will include the results of our analysis of the issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.

### Verification

On July 20, 2023, Nucor requested that Commerce conduct verification in this review of DSM, Hyundai Steel, and the Government of Korea.<sup>14</sup> Accordingly, as provided in section 782(i)(3) of the Act, Commerce intends to verify certain of the information relied upon for its final results.

### Notification to Interested Parties

These preliminary results and notice are issued and published in accordance

<sup>7</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.

<sup>8</sup> Commerce preliminarily finds Hyundai Green Power to be cross-owned with Hyundai Steel. See the Preliminary Decision Memorandum at 7.

<sup>9</sup> See 19 CFR 351.224(b).

<sup>10</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, *Service, and Other Procedures*).

<sup>11</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>12</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.

<sup>13</sup> See APO, *Service, and Other Procedures*.

<sup>14</sup> See Nucor's Letter, “Request for Verification,” dated July 20, 2023.

with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213 and 19 CFR 351.221(b)(4).

Dated: February 28, 2024.

**Ryan Majerus,**

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

## Appendix

### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Partial Rescission of Administrative Review
- IV. Scope of the Order
- V. Diversification of Korea's Economy
- VI. Subsidies Valuation Information
- VII. Benchmarks and Discount Rates
- VIII. Analysis of Programs
- IX. Recommendation

[FR Doc. 2024-04622 Filed 3-4-24; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) has received requests to conduct administrative reviews of various antidumping duty (AD) and countervailing duty (CVD) orders with January anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

**DATES:** Applicable March 5, 2024.

**FOR FURTHER INFORMATION CONTACT:** Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-4735.

#### SUPPLEMENTARY INFORMATION:

##### Background

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various AD and CVD orders with January anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

#### Respondent Selection

In the event that Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, except for the administrative review of the AD order on wooden bedroom furniture from the People's Republic of China (China), Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review (POR). We intend to place the CBP data on the record within five days of publication of the initiation notice and to make our decision regarding respondent selection within 35 days of publication of the initiation **Federal Register** notice. Comments regarding the CBP data and respondent selection should be submitted within seven days after the placement of the CBP data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments within five days after the deadline for the initial comments.

In the event that Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Tariff Act of 1930, as amended (the Act), the following guidelines regarding collapsing of companies for purposes of respondent selection will apply. In general, Commerce has found that determinations concerning whether particular companies should be "collapsed" (e.g., treated as a single entity for purposes of calculating AD rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this AD proceeding (e.g., investigation, administrative review, new shipper review, or changed circumstances review). For any company subject to this review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection.

Parties are requested to (a) identify which companies subject to review

previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (Q&V) Questionnaire for purposes of respondent selection, in general, each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where Commerce considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

#### Respondent Selection—Wooden Bedroom Furniture From China

In the event that Commerce limits the number of respondents individually examined in the administrative review of the AD order on wooden bedroom furniture from China, for purposes of the January 1, 2023, through December 31, 2023, POR, Commerce intends to select respondents based on volume data contained in responses to a Q&V Questionnaire. All parties under review are hereby notified that they must timely respond to the Q&V Questionnaire. Commerce's Q&V Questionnaire, along with certain additional questions, will be available in a document package at <https://access.trade.gov/Resources/prc-WBF-document-Package.pdf> on the date that this notice is published in the **Federal Register**. Responses to the Q&V Questionnaire must be filed with the respondents' Separate Rate Application or Separate Rate Certification (see the Separate Rates section below) and their responses to the additional questions, and must be received by Commerce by no later than 30 days after publication of this notice in the **Federal Register**. Please be advised that due to the time constraints imposed by the statutory and regulatory deadlines for completing AD administrative reviews, Commerce does not intend to grant any extensions for the submission of a response to the Q&V Questionnaire.

#### Notice of No Sales

With respect to AD administrative reviews, we intend to rescind the review where there are no suspended entries for a company or entity under review and/or where there are no suspended entries under the company-specific case number for that company or entity. Where there may be suspended entries, if a producer or exporter named in this notice of initiation had no exports,

sales, or entries during the POR, it may notify Commerce of this fact within 30 days of publication of this notice in the **Federal Register** for Commerce to consider how to treat suspended entries under that producer's or exporter's company-specific case number.

#### **Deadline for Withdrawal of Request for Administrative Review**

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

#### **Deadline for Particular Market Situation Allegation**

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of a particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.<sup>1</sup> Section 773(e) of the Act states that "if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology." When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) sets a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of initial responses to section D of the questionnaire.

#### **Separate Rates**

In proceedings involving non-market economy (NME) countries, Commerce begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single AD deposit rate. It is Commerce's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, Commerce analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, Commerce assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a Separate Rate Application or Certification, as described below. In addition, all firms that wish to qualify for separate rate status in the administrative review of the AD order on wooden bedroom furniture from China, must complete, as appropriate, either a Separate Rate Application or Certification, and respond to the additional questions and the Q&V Questionnaire at <https://access.trade.gov/Resources/prc-WBF-document-Package.pdf>.

For these administrative reviews, in order to demonstrate separate rate eligibility, Commerce requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on Commerce's website at <https://access.trade.gov/Resources/nme/nme-sep-rate.html> on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the "Instructions for Filing the Certification" in the Separate Rate Certification. Separate Rate Certifications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. For the administrative review of the AD order on wooden bedroom

furniture from China, Separate Rate Certifications, as well as a response to the additional questions and the Q&V Questionnaire in the document package, are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding<sup>2</sup> should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,<sup>3</sup> should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Application will be available on Commerce's website at <https://access.trade.gov/Resources/nme/nme-sep-rate.html> on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Application, refer to the instructions contained in the application. Separate Rate Applications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. For the administrative review of the AD order on wooden bedroom furniture from China, Separate Rate Applications, as well as a response to the additional questions and the Q&V Questionnaire in the document package, are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers

<sup>2</sup> Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (e.g., an ongoing administrative review, new shipper review, etc.) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

<sup>3</sup> Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

<sup>1</sup> See Trade Preferences Extension Act of 2015, Public Law 114-27, 129 Stat. 362 (2015).



that purchase and export subject merchandise to the United States.

Exporters and producers must file a timely Separate Rate Application or Certification if they want to be considered for individual examination. Furthermore, exporters and producers who submit a Separate Rate Application or Certification and subsequently are selected as mandatory respondents will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Furthermore, this notice constitutes public notification to all firms for which an administrative review of the AD order on wooden bedroom furniture from China has been requested, that are

seeking separate rate status in the review, that they must submit a timely filed Separate Rate Application or Certification (as appropriate) as described above, and a timely filed response to the additional questions and the Q&V Questionnaire in the document package in order to receive consideration for separate-rate status. In other words, Commerce will not give consideration to any timely filed Separate Rate Application or Certification from a party who failed to respond in a timely manner to the additional questions and the Q&V Questionnaire. All information submitted by respondents in the administrative review of the AD order on wooden bedroom furniture from

China is subject to verification. As noted above, the Separate Rate Application and the Separate Rate Certification will be available on Commerce's website and the additional questions and the Q&V Questionnaire will be available at <https://access.trade.gov/Resources/prc-WBF-document-Package.pdf> on the date of publication of this notice in the **Federal Register**.

#### Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following AD and CVD orders and findings. We intend to issue the final results of these reviews not later than January 31, 2025.

	Period to be reviewed
<b>AD Proceedings</b>	
CANADA: Softwood Lumber A-122-857 ..... 0752615 B.C. Ltd.; Fraserview Remanufacturing Inc.; Fraserview Cedar Products. 10104704 Manitoba Ltd; Woodstock Forest Product 1074712 BC Ltd.; Quadra Cedar 5214875 Manitoba Ltd. 54 Reman 9224-5737 Quebec inc.; A.G. Bois AA Trading Ltd. Absolute Lumber Products Ltd. Adwood Manufacturing Ltd AJ Forest Products Ltd. Aler Forest Products Ltd. All American Forest Products Inc. Alpa Lumber Mills Inc. Andersen Pacific Forest Products Ltd. Anglo American Cedar Products Ltd.; Anglo-American Cedar Products Ltd. Antrim Cedar Corporation Aquila Cedar Products Ltd. Arbec Lumber Inc.; Arbec Bois Doeuvre Inc. Aspen Pacific Industries Inc. Aspen Planers Ltd. B&L Forest Products Ltd. B.B. Pallets Inc.; Les Palettes B.B.Inc. Babine Forest Products Limited Bakerview Forest Products Inc. Bardobec Inc. Barrette-Chapais Ltee BarretteWood Inc. Benoît & Dionne Produits Forestiers Ltee; Benoît & Dionne Forest Products Ltd. Best Quality Cedar Products Ltd. Blanchet Multi Concept Inc. Blanchette & Blanchette Inc. Bois Aise de Montreal Inc. Bois Bonsai Inc. Bois Daaquam Inc.; Daaquam Lumber Inc. Bois D'oeuvre Cedrico Inc.; Cedrico Lumber Inc. Bois et Solutions Marketing SPEC, Inc.; SPEC Wood & Marketing Solution; SPEC Wood and Marketing Solutions Inc. Bois Weedon Inc. Boisaco Inc. Boscus Canada Inc. Boucher Bros. Lumber Ltd. BPWood Ltd. Bramwood Forest Inc. Brink Forest Products Ltd. Brunswick Valley Lumber Inc. Burrows Lumber (CD) Ltd., Theo A. Burrows Lumber Company Limited Busque & Laflamme Inc. Campbell River Shake & Shingle Co. Ltd. Canada Pallet Corp. Canadian Bavarian Millwork & Lumber Ltd.	1/1/23-12/31/23

	Period to be reviewed
<p>           Canadian Forest Products Ltd.; Canfor Wood Products Marketing Ltd.; Canfor Corporation            Canasia Forest Industries Ltd.            Canyon Lumber Company Ltd.            Careau Bois inc.            Carl Wood Lumber Ltd.            Carrier &amp; Begin Inc.            Carrier Forest Products Ltd.            Carrier Lumber Ltd.            Carter Forest Products Inc.            Cedar Island Forest Products Ltd.            Cedar Valley Holdings Ltd.            Cedarcoast Lumber Products            Cedarland Forest Products Ltd.            Cedarline Industries Ltd.            Central Alberta Pallet Supply            Central Cedar Ltd.            Central Forest Products Inc.            Centurion Lumber Ltd.            Chaleur Forest Products Inc.            Chaleur Forest Products LP            Channel-ex Trading Corporation            CHAP Alliance, Inc.            Chinook Wood Products Ltd.            Clair Industrial Development Corp. Ltd.            Clermond Hamel Ltee            CLG Enterprises Inc.            CNH Products Inc.            Coast Clear Wood Ltd.            Coast Mountain Cedar Products Ltd.            Columbia River Shake &amp; Shingle Ltd.; Teal Cedar Products Ltd.; The Teal Jones Group            Commonwealth Plywood Co. Ltd.            Comox Valley Shakes Ltd. (2019); Comox Valley Shakes (2019) Ltd.            Conifex Fibre Marketing Inc.            Coulson Manufacturing Ltd.            Cowichan Lumber Ltd.            CS Manufacturing Inc.; Cedarshed            CWP—Industriel Inc.            CWP—Montreal Inc.            D &amp; D Pallets Ltd.            Dakeryn Industries Ltd.            Decker Lake Forest Products Ltd.            Deep Cove Forest Products, Inc.            Delco Forest Products Ltd.            Delta Cedar Specialties Ltd.            Devon Lumber Co. Ltd.            DH Manufacturing Inc.            Direct Cedar Supplies Ltd.            Distribution Rioux Inc.            Doubletree Forest Products Ltd.            Downie Timber Ltd.            Dunkley Lumber Ltd.            EACOM Timber Corporation            East Fraser Fiber Co. Ltd.            Edgewood Forest Products Inc.            Elrod Cartage Ltd.            ER Probyn Export Ltd.            Falcon Lumber Ltd.            Fontaine Inc.            Foothills Forest Products Inc.            Forest Products Mauricie LP; Societe en commandite Scierie Opitciwan; Resolute            Growth Canada Inc.; Resolute FP Canada Inc.; Resolute-LP Engineered Wood            Larouche Inc.; Resolute-LP Engineered Wood St-Prime Limited Partnership            Fort St. James Forest Products Limited Partnership            Fraser Specialty Products Ltd.            FraserWood Industries Ltd.            Furtado Forest Products Ltd.            Galloway Lumber Company Ltd.            Glandell Enterprises Inc.            Goldband Shake &amp; Shingle Ltd.            Goldwood Industries Ltd.            Goodfellow Inc.            Gorman Bros. Lumber Ltd.            Greendale Industries Inc.            GreenFirst Forest Products (QC) Inc.         </p>	

	Period to be reviewed
<p> Greenwell Resources Inc.  Griff Building Supplies Ltd.  Groupe Crete Chertsey Inc.  Groupe Crete Division St-Faustin Inc.  Groupe Lebel Inc.  Groupe Lignarex Inc.  H.J. Crabbe &amp; Sons Ltd.  Haida Forest Products Ltd.  Halo Sawmill, a division of Delta Cedar Specialties Ltd.; Halo Sawmill Manufacturing Limited Partnership  Hampton Tree Farms, LLC; Hampton Lumber Sales Canada  Hornepayne Lumber LP  Hudson Mitchell &amp; Sons Lumber Inc.  Hy Mark Wood Products Inc.  Imperial Cedar Products Ltd.  Independent Building Materials Distribution Inc.  Interfor Corporation; Interfor Sales &amp; Marketing Ltd.  Intertran Holdings Ltd.; Richmond Terminal  Island Cedar Products Ltd.  Ivor Forest Products Ltd.  J&amp;G Log Works Ltd.  J.D. Irving, Limited  J.H. Huscroft Ltd.  Jan Woodlands (2001) Inc.  Jasco Forest Products Ltd.  Jazz Forest Products Ltd.  Jhaji Lumber Corporation  Kalesnikoff Lumber Co. Ltd.  Kan Wood Ltd.  Kebois Ltee; Kebois Ltd.  Kelfor Industries Ltd.  Kermode Forest Products Ltd.  Keystone Timber Ltd.  Kings Wood Products Inc.  Kirkland Lake Forest Products Inc.  La Crete Sawmills Ltd.  Lafontaine Lumber Inc.  Langevin Forest Products Inc.  Lecours Lumber Co. Limited  Leisure Lumber Ltd.  Les Bardeaux Lajoie Inc.  Les Bois d'oeuvre Beaudoin Gauthier Inc.  Les Bois Martek Lumber  Les Bois Traites M.G. Inc.  Les Chantiers de Chibougamau Ltee; Les Chantiers de Chibougamau Ltd.  Les Industries P.F. Inc.  Les Produits Forestiers D&amp;G Ltee; D&amp;G Forest Products Ltd.  Les Produits Forestiers Sitka Inc.; Sitka Forest Products Inc.  Leslie Forest Products Ltd.  Lignum Forest Products LLP  Linwood Homes Ltd.  Lonestar Lumber Inc.  Lulumco Inc.  Madera Forest Products INC  Magnum Forest Products Ltd.  Maibec Inc.  Mainland Sawmill, a division of Terminal Forest Products; Terminal Forest Products Ltd.  Manitou Forest Products Ltd.  Manning Forest Products Ltd.; Sundre Forest Products Inc.; Blue Ridge Lumber Inc.;  West Fraser Mills Ltd.  Marcel Lauzon Inc.  Marwood Ltd.  Materiaux Blanchet Inc.  Metrie Canada Ltd.  Mid Valley Lumber Specialties Ltd.  Midway Lumber Mills Ltd.  Mill &amp; Timber Products Ltd.  Millar Western Forest Products Ltd.  Mirax Lumber Products Ltd.  Mobilier Rustique (Beauce) Inc.  Modern Terminal Ltd.  Monterra Lumber Mills Limited  Morwood Forest Products Inc.  Multicedre Ltee </p>	

	Period to be reviewed
Murray Brothers Lumber Company Ltd. Nagaard Sawmill Ltd. Nakina Lumber Inc. National Forest Products Ltd. Nicholson and Cates Ltd. Nickel Lake Lumber Norsask Forest Products Inc. Norsask Forest Products Limited Partnership North American Forest Products Ltd. (located in Abbotsford, British Columbia) North American Forest Products Ltd. (located in Saint-Quentin, New Brunswick) North Enderby Timber Ltd. Northland Forest Products Ltd. NSC Lumber Ltd. Oakwood Manufacturing A Division of Weston Forest Products Inc. Olympic Industries Inc. Olympic Industries ULC Oregon Canadian Forest Products; Oregon Canadian Forest Products Inc. Pacific Coast Cedar Products Ltd. Pacific Lumber Remanufacturing Inc. Pacific NorthWest Lumber Ltd. Pacific Pallet Ltd. Pacific Western Wood Works Ltd. PalletSource Inc. Parallel Wood Products Ltd. Partap Forest Products Ltd. Partap Industries Pat Power Forest Products Corporation Peak Industries (Cranbrook) Ltd. Phoenix Forest Products Inc. Pine Ideas Ltd. Pioneer Pallet & Lumber Ltd. Plaster Rock Lumber Corporation Porcupine Wood Products Ltd. Portbec Forest Products Ltd.; Les Produits Forestiers Portbec Ltee Power Wood Corp. Precision Cedar Products Corp. Produits Forestiers Petit Paris Inc. Produits Matra Inc. Promobois G.D.S. Inc. R.A. Green Lumber Ltd. RBC Timber Products Rembos Inc. Rene Bernard Inc. Rick Dubois Rielly Industrial Lumber Inc. River City Remanufacturing Inc. Riverside Forest Products Inc. S&R Sawmills Ltd. S&W Forest Products Ltd. San Group San Industries Ltd. Sapphire Lumber Company Sawarne Lumber Co. Ltd. Scierie Alexandre Lemay & Fils Inc. Scierie St-Michel Inc. Scierie West Brome Inc. Scott Lumber Sales; Scott Lumber Sales Ltd. Sechoirs de Beauce Inc. Shakertown Corp. Sigurdson Forest Products Ltd. Silvaris Corporation Sinclar Group Forest Products Ltd. Skana Forest Products Ltd. Skeena Sawmills Ltd. Smart Wood Forest Products Ltd. Smartlam LLC Sonora Logging Ltd. Source Forest Products South Beach Trading Inc. South Coast Reman Ltd.; Southcoast Millwork Ltd. South Fraser Container Terminals Specialiste du Bardeau de Cedre Inc.; Specialiste du Bardeau de Cedre Inc. (SBC) Spruceland Millworks Inc. Star Lumber Canada Ltd.	

	Period to be reviewed
Suncoast Industries Inc. Suncoah Custom Lumber Ltd. Sundher Timber Products Inc. Surplus G Rioux Surrey Cedar Ltd. Swiftwood Forest Products Ltd. T&P Trucking Ltd. Taan Forest Limited Partnership; Taan Forest Products Taiga Building Products Ltd. Tall Tree Lumber Company Temrex Forest Products LP; Produits Forestiers Temrex SEC. Tenryu Canada Corporation TG Wood Products Ltd. The Wood Source Inc. Tolko Industries Ltd.; Tolko Marketing and Sales Ltd.; Gilbert Smith Forest Products Ltd. Top Quality Lumber Ltd. Trans-Pacific Trading Ltd. Triad Forest Products Ltd. Twin Rivers Paper Co. Inc. Tyee Timber Products Ltd. Universal Lumber Sales Ltd. Usine Sartigan Inc. Vaagen Fibre Canada ULC Valley Cedar 2 Inc. Vancouver Specialty Cedar Products Ltd. Vancouver Urban Timberworks Ltd.; Van Urban Vanderhoof Specialty Wood Products Ltd. Vanderwell Contractors (1971) Ltd. Visscher Lumber Inc. W.I. Woodtone Industries Inc. Waldun Forest Product Sales Ltd. Watkins Sawmills Ltd. West Bay Forest Products Ltd. West Coast Panel Cutters Western Forest Products Inc. Western Lumber Sales Limited Western Timber Products, Inc. Westminster Industries Ltd. Weston Forest Products Inc. Westrend Exteriors Inc. Weyerhaeuser Co. White River Forest Products L.P. Winton Homes Ltd. Woodline Forest Products Ltd. Woodtone Specialties Inc. WWW Timber Products Ltd.	
GERMANY: Forged Steel Fluid End Blocks, A-428-847 .....	1/1/23-12/31/23
BGH Edelstahl Siegen GmbH	
INDIA: Polyester Textured Yarn, A-533-885 .....	1/1/23-12/31/23
AYM Syntex Ltd.	
ITALY: Forged Steel Fluid End Blocks, A-475-840 .....	1/1/23-12/31/23
Lucchini Mamé Forge S.p.A.	
Cogne Acciai Speciali S.p.A.	
ST9 Gas + Oil, LLC	
SOUTH AFRICA: Ferrovanadium, A-791-815 .....	1/1/23-12/31/23
Bushveld Minerals Limited	
Bushveld Vanchem	
Glencore South Africa	
Rhovan-Bakwena Vanadium Venture	
THAILAND: Prestressed Concrete Steel Wire Strand, A-549-820 .....	1/1/23-12/31/23
Siam Industrial Wire Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Hardwood Plywood Products, A-570-051 .....	1/1/23-12/31/23
Anhui Hoda Wood Co., Ltd.	
Arrow Forest International Co., Ltd.	
Bizlink Technology Inc.	
BTR New Material Group Co., Ltd.	
Celtic Co., Ltd.	
China Friend Limited	
Cosco Star International Co., Ltd.	
Dalian Sicily Wood Industry Co., Ltd.	
Eagle Industries Company Limited	
First Part Manufacturing Limited	
Fujian Yuansheng Wood., Ltd.	
Fusong Jinlong Wooden Group Co., Ltd.	

	Period to be reviewed
Golden Bridge Industries Golder International Trade Co., Ltd Govina Investment Joint Stock Company Greatwood Hung Yen Joint Stock Company Groll Ply and Cabinetry Co., Ltd. Happy Wood Industrial Group Co., Ltd. Huainan Mengping Import and Export Co., Ltd Huong Son Wood Group Co., Ltd. Jiangsu Top Point International Co., Ltd Jiaxing Gsun Imp. & Exp. Co., Ltd Jiangsu High Hope Arser Co., Ltd Jiaxing Hengtong Wood Co., Ltd. Lechenwood Viet Nam Company Limited Linyi City Dongfang Fukai Wood Industry Co., Ltd Linyi City Shenrui International Trade Co., Ltd Linyi Dahua Wood Co., Ltd Linyi Dongstar Import & Export Co., Ltd Linyi Evergreen Wood Co., Ltd. Linyi Glary Plywood Co., Ltd. Linyi Hengsheng Wood Industry Co., Ltd Linyi Huasheng Yongbin Wood Co., Ltd. Linyi Jiahe Wood Industry Co., Ltd. Linyi Linhai Wood Co., Ltd Linyi Mingzhu Wood Co., Ltd Phihong Technology Co., Ltd. Pingyi Jinniu Wood Co., Ltd Linyi Sanfortune Wood Co., Ltd. Lianyungang Yuantai International Trade Co., Ltd Qingdao Good Faith Import and Export Co., Ltd Qingdao Top P&Q International Corp. Shandong Qishan International Trading Co., Ltd Shanghai Brightwood Trading Co., Ltd. Shanghai Futuwood Trading Co., Ltd. Shanghai Luli Trading Co., Ltd. Shenzhen Kedali Industry Co., Ltd Suining Pengxiang Wood Co., Ltd Sumec International Technology Co., Ltd Sun Chain Trading Co., Ltd. Suzhou Hopeway International Trade Co., Ltd. Suzhou Dongsheng Wood Co., Ltd Suzhou Fengshuwan Import and Exports Trade Co., Ltd Suzhou Oriental Dragon Import and Export Co., Ltd. Thang Long Wood Panel Company Xuzhou Andefu Wood Co., Ltd Xuzhou DNT Commercial Co., Ltd Xuzhou Eastern Huatai International Trading Co., Ltd Xuzhou Jiangheng Wood Products Co., Ltd. Xuzhou Longyuan Wood Industry Co., Ltd Xuzhou Pinlin International Trade Co., Ltd Xuzhou Shengping Imp and Exp Co., Ltd Xuzhou Shelter Import & Export Co., Ltd Xuzhou Shuner Import & Export Trade Co. Ltd Xuzhou Timber International Trade Co., Ltd. Zhejiang Layo Wood Industry Co., Ltd Zhejiang Xingke Wood Co., Ltd Zhejiang Yuhua Timber Co., Ltd	
THE PEOPLE'S REPUBLIC OF CHINA: Potassium Permanganate, A-570-001 .....	1/1/23-12/31/23
Chongqing Changyuan Chemical Corporation Limited Chongqing Changyuan Group Limited Pacific Accelerator Limited	
THE PEOPLE'S REPUBLIC OF CHINA: Wooden Bedroom Furniture, A-570-890 .....	1/1/23-12/31/23
Dongguan Chengcheng Furniture Co., Ltd. Eurosa (Kunshan) Co., Ltd. Eurosa Furniture Co., (PTE) Ltd.RE Fine Furniture (Shanghai) Ltd. Golden Well International (HK), Ltd. Zhangzhou XMB Furniture Product Co., Ltd. Guangzhou Maria Yee Furnishings Ltd. Pyla HK Ltd. Maria Yee, Inc. Jiangmen Kinwai International Furniture Co., Ltd. Jiangmen Kinwai Furniture Decoration Co., Ltd. Jiangsu Xiangsheng Bedtime Furniture Co., Ltd. Jiangsu Yuexing Furniture Group Co., Ltd.	

	Period to be reviewed
<p>Nanhai Jiantai Woodwork Co. Ltd.  Fortune Glory Industrial, Ltd. (HK Ltd.)  Nathan International Ltd.  Nathan Rattan Factory  Perfect Line Furniture Co., Ltd.  PuTian JingGong Furniture Co., Ltd.  Rui Feng Woodwork Co., Ltd.  Rui Feng Lumber Development Co., Ltd.  Dorbest Ltd.  Shenyang Shining Dongxing Furniture Co., Ltd.  Shenzhen Jiafa High Grade Furniture Co., Ltd.  Golden Lion International Trading Ltd.  Shenzhen New Fudu Furniture Co., Ltd.  Shenzhen Wonderful Furniture Co., Ltd.  Shing Mark Enterprise Co., Ltd.  Carven Industries Ltd. (BVI)  Carven Industries Ltd. (HK)  Dongguan Zhenxin Furniture Co., Ltd.  Dongguan Yongpeng Furniture Co., Ltd.  Tradewinds Furniture Ltd. (successor-in-interest to Nanhai Jiantai Woodwork Co.) Fortune Glory Industrial Ltd. (H.K. Ltd.)  Wanvog Furniture (Kunshan) Co., Ltd.  Wuxi Yushea Furniture Co., Ltd.  Yeh Brothers World Trade Inc.  Zhangjiagang Daye Hotel Furniture Co. Ltd.  Zhangzhou Guohui Industrial &amp; Trade Co. Ltd.  Zhejiang Tianyi Scientific &amp; Educational Equipment Co., Ltd.  Zhongshan Fookiyk Furniture Co., Ltd.  Zhongshan Golden King Furniture Industrial Co., Ltd.  Zhoushan For-Strong Wood Co., Ltd.</p> <p style="text-align: center;"><b>CVD Proceedings</b></p> <p>CANADA: Softwood Lumber, C-122-858<sup>4</sup> .....  0752615 B.C Ltd; Fraserview Remanufacturing Inc, dba Fraserview Cedar Products  10104704 Manitoba Ltd O/A Woodstock Forest Products  1074712 BC Ltd. (Quadra Cedar)  5214875 Manitoba Ltd.; AM Lumber Brokerage  54 Reman  9224-5737 Quebec Inc. (aka A.G. Bois)  Absolute Lumber Products, Ltd.  Adwood Manufacturing Ltd.  AJ Forest Products Ltd.  Aler Forest Products, Ltd.  All American Forest Products Inc.  Alpa Lumber Mills Inc.  Andersen Pacific Forest Products Ltd.  Anglo-American Cedar Products, Ltd.  Antrim Cedar Corporation  Aquila Cedar Products Ltd.  Arbec Lumber Inc. (aka Arbec Bois Doeuvre Inc.)  Aspen Pacific Industries Inc.  Aspen Planers Ltd.  B&amp;L Forest Products Ltd.  B.B. Pallets Inc. (aka Les Palettes B.B. Inc.)  Babine Forest Products Limited  Bakerview Forest Products Inc.  Bardobec Inc.  Barrette-Chapais Ltee  BarretteWood inc.  Benoit &amp; Dionne Produits Forestiers Ltee (aka Benoit &amp; Dionne Forest Products Ltd.)  Best Quality Cedar Products Ltd.  Blanchet Multi Concept Inc.  Blanchette &amp; Blanchette Inc.  Bois Aise de Montreal Inc.  Bois Bonsai Inc.  Bois D'oeuvre Cedrico Inc. (aka Cedrico Lumber Inc.)  Bois Daaquam inc. (aka Daaquam Lumber Inc.)  Bois et Solutions Marketing SPEC, Inc. (aka SPEC Wood &amp; Marketing Solution or SPEC Wood and Marketing Solutions Inc.)  Bois Weedon Inc.  Boisaco Inc.  Boskus Canada Inc.  Boucher Bros. Lumber Ltd.  BPWood Ltd.</p>	1/1/23-12/31/23



	Period to be reviewed
<p> Bramwood Forest Inc.  Brink Forest Products Ltd.  Brunswick Valley Lumber Inc.  Burrows Lumber (CD) Ltd., Theo A. Burrows Lumber Company Limited (aka Burrows Lumber Inc.)  Busque &amp; Laflamme Inc.  Campbell River Shake &amp; Shingle Co., Ltd.  Canadian Bavarian Millwork &amp; Lumber Ltd.  Canadian Forest Products, Ltd.; Canfor Corporation; Canfor Wood Products Marketing, Ltd.  Canasia Forest Industries Ltd.  Canyon Lumber Company, Ltd.  CarlWood Lumber Ltd.  Carrier &amp; Begin Inc.  Carrier Forest Products Ltd.  Carrier Lumber Ltd.  Carter Forest Products Inc.  Cedar Island Forest Products Ltd.  Cedar Valley Holdings Ltd.  Cedarland Forest Products Ltd.  Cedarline Industries Ltd.  Central Alberta Pallet Supply  Central Cedar Ltd.  Central Forest Products Inc.  Centurion Lumber Ltd.  Chaleur Forest Products Inc.  Chaleur Forest Products LP  Channel-ex Trading Corporation  CHAP Alliance Inc.  Chinook Wood Products Ltd.  Clair Industrial Development Corp. Ltd  Clermond Hamel Ltee  CLG Enterprises Inc.  CNH Products Inc.  Coast Clear Wood Ltd.  Coast Mountain Cedar Products Ltd.  Columbia River Shake &amp; Shingle Ltd.; Teal Cedar Products Ltd., dba The Teal Jones Group  Commonwealth Plywood Co. Ltd.  Comox Valley Shakes (2019) Ltd.  Conifex Fibre Marketing Inc.  Coulson Manufacturing Ltd.  Cowichan Lumber Ltd.  CS Manufacturing Inc., dba Cedarshed  CWP—Montreal inc.  CWP Industriel Inc. (aka CWP—Industriel Inc.)  D &amp; D Pallets Ltd.  Dakeryn Industries Ltd.  Decker Lake Forest Products Ltd.  Deep Cove Forest Products, Inc.  Delco Forest Products Ltd.  Delta Cedar Specialties Ltd.  Devon Lumber Co. Ltd.  DH Manufacturing Inc.  Direct Cedar Supplies Ltd.  Distribution Rioux Inc.  Doubletree Forest Products Ltd.  Downie Timber Ltd.  Dunkley Lumber Ltd.  EACOM Timber Corporation  East Fraser Fiber Co. Ltd.  Edgewood Forest Products Inc.  Elrod Cartage Ltd.  ER Probyn Export Ltd.  Falcon Lumber Ltd.  Fontaine Inc.; Gestion Natanis Inc.; Les Placements Jean-Paul Fontaine Ltee; Placements Nicolas Fontaine Inc.  Foothills Forest Products Inc.  Fort St. James Forest Products Limited Partnership  Fraser Specialty Products Ltd.  FraserWood Industries Ltd.  Furtado Forest Products Ltd.  Galloway Lumber Company Ltd.  Gilbert Smith Forest Products Ltd.  Glandell Enterprises Inc.  Goldwood Industries Ltd.  Goodfellow Inc.  Gorman Bros. Lumber Ltd. </p>	

	Period to be reviewed
<p> Greendale Industries Inc.  GreenFirst Forest Products (QC) Inc.  Greenwell Resources Inc.  Griff Building Supplies Ltd.  Groupe Crete Chertsey Inc.  Groupe Crete Division St-Faustin Inc.  Groupe Lebel Inc.  Groupe Lignarex inc.  H.J. Crabbe &amp; Sons Ltd.  Haida Forest Products Ltd.  Halo Sawmill Manufacturing Limited Partnership  Hampton Tree Farms, LLC, dba Hampton Lumber Sales Canada  Hornepayne Lumber LP  Hudson Mitchell &amp; Sons Lumber Inc.  Hy Mark Wood Products Inc.  Independent Building Materials Distribution Inc.  Interfor Corporation  Interfor Sales &amp; Marketing Ltd.  Intertran Holdings Ltd., dba Richmond Terminal  Island Cedar Products Ltd  Ivor Forest Products Ltd.  J&amp;G Log Works Ltd.  J.D. Irving, Limited; Irving Paper Limited; Miramichi Timber Holdings Limited; Rothesay Paper Holdings Ltd.; St. George Pulp &amp; Paper Limited; The New Brunswick Railway Company  J.H. Huscroft Ltd.  Jan Woodlands (2001) Inc.  Jasco Forest Products Ltd.  Jazz Forest Products Ltd.  Jhajj Lumber Corporation  Kalesnikoff Lumber Co. Ltd.  Kan Wood, Ltd.  Kebois Ltee/Ltd  Kelfor Industries Ltd.  Kermode Forest Products Ltd.  Keystone Timber Ltd.  Kings Wood Products Inc.  Kirkland Lake Forest Products Inc.  L'Atelier de Readaptation au travail de Beauce Inc.  La Crete Sawmills Ltd.  Lafontaine Lumber Inc.  Langevin Forest Products Inc.  Lecours Lumber Co. Limited  Leisure Lumber Ltd.  Les Bardeaux Lajoie Inc.  Les Bois d'oeuvre Beaudoin Gauthier Inc.  Les Bois Martek Lumber  Les Bois Traites M.G. Inc.  Les Chantiers de Chibougamau Ltd./Ltee  Les Industries P.F. Inc.  Les Produits Forestiers Sitka Inc. (aka Sitka Forest Products Inc.)  Leslie Forest Products Ltd.  Lignum Forest Products LLP  Linwood Homes Ltd.  Lonestar Lumber Inc.  Lulumco inc.  Magnum Forest Products, Ltd.  Maibec Inc.  Mainland Sawmill, a division of Terminal Forest Products Ltd.  Manitou Forest Products Ltd  Marwood Ltd.  Materiaux Blanchet Inc.  Metrie Canada Ltd.  Mid Valley Lumber Specialties Ltd.  Midway Lumber Mills Ltd.  Mill &amp; Timber Products Ltd.  Millar Western Forest Products Ltd.  Mirax Lumber Products Ltd.  Mobilier Rustique (Beauce) Inc.; J.F.S.R. Inc.; Gestion C.A. Rancourt Inc.; Gestion J.F. Rancourt Inc.; Gestion Suzie Rancourt Inc.; Gestion P.H.Q. Inc.; 9331–3419 Quebec Inc.; 9331–3468 Quebec Inc.; SPQ Inc.  Monterra Lumber Mills Limited  Morwood Forest Products Inc.  Multicedre ltee  Murray Brothers Lumber Company Ltd  Nakina Lumber Inc. </p>	

	Period to be reviewed
<p> National Forest Products Ltd.  Nicholson and Cates Ltd.  NorSask Forest Products Inc.  NorSask Forest Products Limited Partnership  North American Forest Products Ltd. (located in Abbotsford, British Columbia)  North Enderby Timber Ltd.  Northland Forest Products Ltd.  Oakwood Manufacturing, A Division of Weston Forest Products Inc.  Olympic Industries, Inc.; Olympic Industries Inc-Reman Code; Olympic Industries ULC; Olympic Industries ULC-Reman; Olympic Industries ULC-Reman Code  Oregon Canadian Forest Products Inc., dba Oregon Canadian Forest Products  Pacific Coast Cedar Products Ltd.  Pacific Lumber Remanufacturing Inc.  Pacific NorthWest Lumber Ltd.  Pacific Pallet, Ltd.  Pacific Western Wood Works Ltd.  PalletSource Inc.  Parallel Wood Products Ltd.  Partap Forest Products Ltd.  Pat Power Forest Products Corporation  Peak Industries (Cranbrook) Ltd.  Phoenix Forest Products Inc.  Pine Ideas Ltd.  Pioneer Pallet &amp; Lumber Ltd.  Plaster Rock Lumber Corporation  Porcupine Wood Products Ltd.  Portbec Forest Products Ltd (aka Les Produits Forestiers Portbec Ltee)  Power Wood Corp.  Precision Cedar Products Corp.  Prendville Industries Ltd. (aka Kenora Forest Products)  Produits Forestiers Petit Paris Inc.  Produits forestiers Temrex, s.e.c. (aka Temrex Forest Products LP)  Produits Matra Inc.; Sechoirs de Beauce Inc.; Bois Ouvre de Beauceville (1992), Inc.  Promoboies G.D.S. Inc.  R.A. Green Lumber Ltd.  Rayonier A.M. Canada GP  RBC Timber Products  Rembos Inc.  Rene Bernard inc.  Resolute FP Canada Inc.; 9192-8515 Quebec Inc.; Abitibi-Bowater Canada Inc.; Bowater Canadian Ltd.; Produits Forestiers Maurice SEC.; Resolute Forest Products Inc.  Rick Dubois  Rielly Industrial Lumber Inc.  River City Remanufacturing Inc.  Riverside Forest Products Inc.  S&amp;R Sawmills Ltd.  S&amp;W Forest Products Ltd.  San Group  San Industries Ltd.  Sawarne Lumber Co. Ltd.  Scierie St-Michel Inc.  Scierie West Brome Inc.  Scott Lumber Sales Ltd.  Shakertown Corp.  Sigurdson Forest Products Ltd.  Silvaris Corporation  Sinclar Group Forest Products Ltd.  Skana Forest Products Ltd.  Skeena Sawmills Ltd.  Source Forest Products  South Beach Trading Inc.  South Coast Reman Ltd.  South Fraser Container Terminals  Southcoast Millwork Ltd.  Specialiste du Bardeau de Cedre Inc. (aka SBC)  Spruceland Millworks Inc.  Star Lumber Canada Ltd.  Suncoast Industries Inc.  Suncoast Custom Lumber Ltd.  Sundher Timber Products Inc.  Surplus G Rioux  Surrey Cedar Ltd.  Taan Forest Limited Partnership (aka Taan Forest Products)  Taiga Building Products Ltd. </p>	

19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), Commerce, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether ADs have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States

through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

### Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant “gap” period of the order (*i.e.*, the period following the expiry of provisional measures and before definitive measures were put into place), if such a gap period is applicable to the POR.

### Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with the procedures outlined in Commerce’s regulations at 19 CFR 351.305. Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.*, the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

### Factual Information Requirements

Commerce’s regulations identify five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). These regulations require any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted.

Please review the *Final Rule*,<sup>5</sup> available at <https://www.govinfo.gov/content/pkg/FR-2013-07-17/pdf/2013-17045.pdf>, prior to submitting factual information in this segment. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).<sup>6</sup>

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information using the formats provided at the end of the *Final Rule*.<sup>7</sup> Commerce intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable certification requirements.

### Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by Commerce.<sup>8</sup> In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) Q&V questionnaires. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in the letter or memorandum setting forth the

<sup>5</sup> See *Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also the frequently asked questions regarding the *Final Rule*, available at [https://enforcement.trade.gov/tlei/notices/factual\\_info\\_final\\_rule\\_FAQ\\_07172013.pdf](https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf).

<sup>6</sup> *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule*, 88 FR 67069 (September 29, 2023).

<sup>7</sup> See section 782(b) of the Act; see also *Final Rule*; and the frequently asked questions regarding the *Final Rule*, available at [https://enforcement.trade.gov/tlei/notices/factual\\_info\\_final\\_rule\\_FAQ\\_07172013.pdf](https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf).

<sup>8</sup> See 19 CFR 351.302.

deadline (including a specified time) by which extension requests must be filed to be considered timely. This policy also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. Please review the *Final Rule*, available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>, prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: February 28, 2024.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2024–04540 Filed 3–4–24; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### For the Regents of the University of Idaho; Notice of Decision on Application for Duty-Free Entry of Scientific Instruments

This is a decision pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301). On January 19, 2024, the Department of Commerce published a notice in the **Federal Register** requesting public comment on whether instruments of equivalent scientific value, for the purposes for which the instruments identified in the docket(s) below are intended to be used, are being manufactured in the United States. See *Application(s) for Duty-Free Entry of Scientific Instruments*, 89 FR 3636, January 19, 2024 (*Notice*). We received no public comments.

**Docket Number:** 23–017. **Applicant:** For the Regents of the University of Idaho, 875 Perimeter Drive, MS 2006, Moscow, ID 83844–2006. **Instrument:** EcoUnit(s).

**Manufacturer:** Regeneering GmbH, Germany. **Intended Use:** The instrument is intended to be used to study the 24 EcoUnits composing the Deep Soil Ecotron (<https://deepsoilecotron.org/>) will be used specifically to study deep soils (*i.e.*, soils greater than 30 cm in depth), as well as the associated surface soils (*i.e.*, soils 0–30 cm in depth) and the above ground plant community. The techniques employed will include

experimental design that enables researchers through the use of these EcoUnits to precisely manipulate and control a suite of environmental variables controlled by EcoUnits. Additionally, researchers will employ state of the art sensors to monitor soil temperature, moisture, and gas fluxes, as well as plant root growth an morphology, and soil microbial communities via next-generation sequencing.

Dated: February 28, 2024.

**Gregory W. Campbell,**

*Director, Subsidies and Economic Analysts,  
Enforcement and Compliance.*

[FR Doc. 2024-04574 Filed 3-4-24; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Expanding Industry-Collaborative Research Surveys in Untrawlable Habitats Along the Pacific Coast

**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 May 6, 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). 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 John

Harms, Research Fish Biologist, Northwest Fisheries Science Center, 2725 Montlake Blvd. E, Seattle, WA 98112, (206) 860-3414, [John.Harms@noaa.gov](mailto:John.Harms@noaa.gov) or Dr. Melissa Monk, Research Mathematical Statistician, Southwest Fisheries Science Center, 110 McAllister Way, Santa Cruz, CA 95060, (831) 420-3950, [Melissa.Monk@noaa.gov](mailto:Melissa.Monk@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

This request is to initiate a collection of information from members of the recreational and commercial fishing communities along the Pacific Coast to support expansion of fishery-independent groundfish research surveys conducted by or in coordination with the National Marine Fisheries Service's (NMFS) Northwest Fisheries Science Center (NWFS) and Southwest Fisheries Science Center (SWFSC). The two centers are working jointly on this collection. Statutory and regulatory authority for the conduct of these surveys and their expansion emanate from the Magnuson-Stevens Act (MSA) and NMFS National Standard (NS) 2. MSA Sec. 402(e) and NS 2 (CFR Sec. 600.315) authorize resource assessments including research surveys as a means of generating the best available scientific information for assessing and managing fish stocks, including the groundfish stocks along the Pacific Coast. MSA Sec. 404(b)(3) authorizes NMFS to conduct these surveys aboard industry vessels.

This collection will generate information essential for the expansion of existing industry-collaborative groundfish research surveys in untrawlable habitats along the Pacific Coast. Survey expansion will close spatial gaps in existing survey coverage and provide information for the monitoring, assessment, and management of ecologically and economically important groundfish stocks including quillback rockfish (*Sebastes maliger*), copper rockfish (*S. caurinus*), yelloweye rockfish (*S. ruberrimus*), lingcod (*Ophiodon elongatus*), and many others. Due to the paucity of data for some of these species and the resulting uncertainty surrounding the abundance and trajectory of these stocks within stock assessments, large areas of the coast have been closed to most fishing as a precautionary measure which has been economically damaging to a considerable portion of the recreational and commercial fishing communities. Partnering with these communities which include some of the nation's most knowledgeable individuals about groundfish biology and behavior will

support NMFS' efforts to expand surveys, close data gaps, reduce scientific uncertainty, and more effectively manage the groundfish stocks along the Pacific Coast.

NMFS will generate a spreadsheet template that will be distributed on a voluntarily basis to members of the recreational and fishing communities along the Pacific Coast to solicit information about the most appropriate sampling locations to include in potential survey expansion as well as the role habitat, gear type, and vessel platform may play when targeting different species. Specifically, NMFS requests GPS coordinates and depths for potential survey sampling locations as well as the habitat type and target species associated with a particular location, and the most appropriate gear type for each location. Primary respondents will be identified by collaborating with existing industry representatives and liaisons along the coast to ensure broad spatial coverage, however, NMFS plans to place no restrictions on broader, voluntary distributions by primary respondents to other knowledgeable members of the fishing community. In conjunction with the spreadsheet template, NMFS plans to convene a series of small workshops in port towns along the Pacific Coast with industry members to help raise awareness about the survey expansion effort.

##### II. Method of Collection

This collection will be primarily electronic in the form of a spreadsheet that will be distributed via email to voluntary recipients. Email will also be the preferred means of response. We will also provide paper copies for distribution at a series of focused discussions in port towns for individuals who wish to provide information via hard copy and submit via fax, U.S. mail, or in person.

##### III. Data

*OMB Control Number:* 0648-XXXX.

*Form Number(s):* None.

*Type of Review:* Regular submission, new information collection.

*Affected Public:* Primary respondents are individuals affiliated with the recreational and commercial fishing communities along the U.S. Pacific Coast.

*Estimated Number of Respondents:* 200.

*Estimated Time per Response:* Response time will vary based upon the number of fishing locations an individual wishes to provide, but we estimate that on average, a response will

require approximately 20 minutes to complete.

**Estimated Total Annual Burden Hours:** The estimated total annual burden in hours is 200 responses × 20 minutes = 4,000 minutes or 66.7 hours.

**Estimated Total Annual Cost to Public:** We anticipate no direct costs to the public unless an individual wishes to return a response via U.S. mail, in which case the cost per individual will be the cost of a postage stamp (\$0.68). Assuming up to 20 responses are submitted via U.S. mail, the total cost to the public will be \$13.60.

**Respondent's Obligation:** Voluntary.

**Legal Authority:** Magnuson-Stevens Act.

#### 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. 2024-04630 Filed 3-4-24; 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 for Review and Approval; Comment Request; 3D Nation Elevation Data Requirements and Benefits Study

**AGENCY:** National Oceanic and 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 an Information Collection Request (ICR) to the Office of Management and Budget.

**DATES:** To ensure consideration, comments regarding this proposed ICR must be received on or before May 6, 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 0648-0762 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 Ashley Chappell, NOAA Integrated Ocean and Coastal Mapping Coordinator, 1315 East West Hwy SSMC3 Rm 6206, Silver Spring, MD 20910, 240-429-0293, or [ashley.chappell@noaa.gov](mailto:ashley.chappell@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

This is a request for extension of a currently approved ICR.

NOAA and the U.S. Geological Survey (USGS) are working to improve the technology systems, data, and services that provide information about 3D elevation data and related applications within the United States. By continuing to learn about business uses and associated benefits that would be realized from improved elevation data, the agencies can more effectively

prioritize and direct investments that will best serve user needs. The 3D Nation Elevation Data Requirements and Benefits Study ("3D Nation Study") is part of the continuing effort to develop and refine future program alternatives that would provide enhanced 3D data to meet many Federal, State, and other national business needs. The 3D Nation Study seeks to understand needs for 3D elevation data in terms of mission-critical activities, geographic extents of data needs, accuracy requirements, frequency needed, and anticipated benefits of having the required data.

In 2022, NOAA and the USGS completed the first 3D Nation Study assessing requirements and benefits of topographic (terrestrial elevation) and bathymetric (water depth) data in inland, nearshore, and offshore geographies. The 3D Nation Study consisted of a standardized questionnaire covering a wide range of business uses that depend on elevation data to inform policy, regulation, scientific research, and management decisions. Input was gathered from a variety of government entities (e.g., Federal, State, local, Tribal) as well as not-for-profit, academic, and private/commercial users of elevation data. Collected responses were aggregated at the agency, organization, state and national levels. Responses associated with individuals were not distributed. Responses were one-time and voluntary. In-person interviews to clarify questionnaire results were arranged on a case-by-case basis.

NOAA and USGS are now analyzing respondent data from the first 3D Nation Study. The report and appendices of questionnaire and other report-related sections are available at the 3D Nation Study site (<https://3dnation.iocm.noaa.gov/>) and via NOAA's Integrated Ocean and Coastal Mapping Program page (<https://iocm.noaa.gov/planning/3DNationStudy.html>). The findings are being used to update a baseline of national business needs and associated benefits for 3D data and associated technologies. This baseline enhances the responsiveness of NOAA, USGS, and partner agency programs to stakeholder needs. It is intended to inform the design of directed future programs that balance requirements, benefits, and costs at a national scale.

NOAA and USGS plan to revisit national elevation data needs to assess changes to the 3D Nation Study baseline in or after 2026, which is why NOAA and USGS are seeking to extend this ICR. The survey tool for the future 3D Nation Study collection will likely include a subset of questions from the original questionnaire because the 2022



3D Nation Study provides a sufficient foundation to minimize questions in a number of study areas. Prior to conducting the next round of surveys, NOAA will submit a request for questionnaire revision to OMB based on analysis of the baseline survey.

## II. Method of Collection

Emails regarding the survey will be sent to a comprehensive list of stakeholders, with a request to forward the email to any other interested survey participants. The emails will include a link to the online survey, which can also be provided upon request by paper or other means by emailing or calling the study point of contact. In-person interviews may follow to resolve questions, clarify answers and add more detail to responses. Responses may be summarized in the future 3D Nation Study report and verified by respondents willing for their input to be included in final reports and appendices.

## III. Data

*OMB Control Number:* 0648–0762.

*Form Number(s):* None.

*Type of Review:* Regular submission (extension of a current information collection).

*Affected Public:* Federal government, State, local, or Tribal governments; not-for-profit institutions, academia, business, or other for-profit organizations.

*Estimated Number of Respondents:* 600.

*Estimated Time per Response:* 2 hours.

*Estimated Total Annual Burden Hours:* 1200.

*Estimated Total Annual Cost to Public:* \$0 in recordkeeping/reporting activities.

*Respondent's Obligation:* Voluntary.

*Legal Authority:* Coast and Geodetic Survey Act of 1947 (33 U.S.C. 883a *et seq.*).

## IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed ICR is necessary for the proper functions of the Department, including whether the information will have practical use; (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, use, 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 personally identifiable information—may be made publicly available at any time. While you may ask us in your comment to withhold your personally identifiable 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. 2024–04626 Filed 3–4–24; 8:45 am]

**BILLING CODE 3510–08–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XD771]

#### Endangered and Threatened Species; Salmon Hatcheries

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

**ACTION:** Notice of withdrawal.

**SUMMARY:** We, NMFS, are issuing this notice to advise Federal, state, and local government agencies and the public that we are withdrawing a notice of intent (NOI) to prepare an environmental impact statement (EIS) for the proposed operation of eight salmon hatchery programs in the Puyallup-White River Basin and Minter Creek Basin in Washington State.

**FOR FURTHER INFORMATION CONTACT:** Molly Gorman, Seattle, WA (email: [molly.gorman@noaa.gov](mailto:molly.gorman@noaa.gov)).

**SUPPLEMENTARY INFORMATION:** NMFS published a NOI in the **Federal Register** on September 12, 2016 (81 FR 62732) to prepare an EIS in accordance with the National Environmental Policy Act (NEPA) to analyze the impacts on the human environment resulting from the operation of 8 salmon hatchery programs in the Puyallup-White River Basin and Minter Creek Basin in Washington State. NMFS hereby advises the public of the rescission of this NOI. This change occurred because the proposed hatchery and genetic management plans jointly submitted by

the Washington Department of Fish and Wildlife, the Puyallup Tribe of Indians, and the Muckleshoot Indian Tribe as co-managers were withdrawn and re-submitted with substantive changes since the NOI was published.

Any future hatchery and genetic management plans submitted by the above parties to NMFS will comply with the environmental review requirements of NEPA.

## Authority

We provide this notice in accordance with the requirements of NEPA as amended (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6), and other appropriate Federal laws and regulations, and policies and procedures of NMFS for compliance with those regulations.

Dated: February 29, 2024.

**Angela Somma,**

*Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2024–04608 Filed 3–4–24; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XD602]

#### Taking of Threatened or Endangered Marine Mammals Incidental to Commercial Fishing Operations; Proposed Issuance of Permits

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

**ACTION:** Notice; request for comments.

**SUMMARY:** The National Marine Fisheries Service (NMFS) is proposing to issue permits to authorize the incidental, but not intentional, take of specific Endangered Species Act (ESA)-listed marine mammal species or stocks under the Marine Mammal Protection Act (MMPA), in certain U.S. commercial fisheries.

**DATES:** Comments on this action and supporting documents must be received by April 4, 2024.

**ADDRESSES:** You may submit comments on the proposed permits and the preliminary determinations supporting the permits, identified by NOAA–NMFS–2024–0003, through the Federal e-Rulemaking Portal:

1. Go to <https://www.regulations.gov> and enter NOAA–NMFS–2024–0003 in the Search box.

2. Click the “Comment” icon, and complete the required fields.

3. Enter or attach your comments.

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

The preliminary determinations supporting the permits are available on the internet at <https://www.regulations.gov/docket/NOAA-NMFS-2024-0003>. Other supporting information is available on the internet including: recovery plans for the ESA-listed marine mammal species, <https://www.fisheries.noaa.gov/national/endangered-species-conservation/recovery-species-under-endangered-species-act>; 2024 MMPA List of Fisheries (LOF), <https://www.fisheries.noaa.gov/national/marine-mammal-protection/list-fisheries-summary-tables>; the most recent Marine Mammal Stock Assessment Reports (SAR) by region, <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region>, and stock, <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-species-stock>; and Take Reduction Teams (TRT) and Plans, <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-take-reduction-plans-and-teams>.

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**SUPPLEMENTARY INFORMATION:** The MMPA requires NMFS to authorize the incidental take of ESA-listed marine mammals in commercial fisheries provided it can make the following determinations: (1) the incidental mortality and serious injury (M/SI) from commercial fisheries will have a negligible impact on the affected species or stocks; (2) a recovery plan for all affected species or stocks of threatened or endangered marine mammals has been developed or is being developed pursuant to the ESA; and (3) where required under MMPA section 118, a take reduction plan (TRP) has been developed or is being developed, a monitoring program is established, and vessels participating in the fishery are registered. We have made a preliminary determination that certain commercial fisheries meet these three requirements and propose to issue permits to these fisheries to authorize the incidental take of ESA-listed marine mammal species or stocks under the MMPA for a period of 3 years. We solicit public comments on the proposed issuance of the permits and the underlying preliminary determinations.

#### Background

The MMPA LOF classifies each commercial fishery as a Category I, II, or III fishery based on the level of mortality and injury of marine mammals occurring incidental to each fishery as defined in 50 CFR 229.2. Section 118(c)(2) of the MMPA requires fishing vessels that operate in Category I and II fisheries to register with NMFS and are subsequently authorized to incidentally take marine mammals during commercial fishing operations. However, that authorization is limited to those marine mammals that are not listed as threatened or endangered under the ESA. Section 118(a)(2) of the

MMPA, 16 U.S.C. 1387(a)(2), also requires an additional authorization at section 101(a)(5) of the MMPA, 16 U.S.C. 1371, for incidental taking of ESA-listed marine mammals. Section 101(a)(5)(E) of the MMPA, 16 U.S.C. 1371, states that NMFS, as delegated by the Secretary of Commerce, for a period of up to 3 consecutive years shall allow the incidental, but not intentional, taking of marine mammal species or stocks designated as depleted because of their listing as an endangered species or threatened species under the ESA, 16 U.S.C. 1531 *et seq.*, by persons using vessels of the United States, while engaging in commercial fishing operations, if NMFS makes certain determinations. NMFS must determine, after notice and opportunity for public comment, that: (1) incidental M/SI from commercial fisheries will have a negligible impact on the affected species or stock; (2) a recovery plan has been developed or is being developed for such species or stock pursuant to the ESA; and (3) where required under section 118 of the MMPA, a monitoring program has been established, vessels engaged in such fisheries are registered in accordance with section 118 of the MMPA, and a TRP has been developed or is being developed for such species or stock.

The LOF includes a list of marine mammal species or stocks incidentally killed or injured in each commercial fishery. We evaluated ESA-listed stocks or species included on the final 2024 MMPA LOF (89 FR 12257, February 16, 2024) as killed or seriously injured following NMFS’ Procedural Directive 02–238 “Process for Distinguishing Serious from Non-Serious Injury of Marine Mammals.” Based on this evaluation, we propose to issue permits under MMPA section 101(a)(5)(E) to vessels registered in four Category I or Category II commercial fisheries, as classified on the final 2024 MMPA LOF, to incidentally kill or seriously injure individuals from specific ESA-listed marine mammal stocks, as listed in table 1 below.

TABLE 1—PROPOSED LIST OF COMMERCIAL FISHERIES AUTHORIZED TO TAKE (M/SI) SPECIFIC THREATENED AND ENDANGERED MARINE MAMMALS INCIDENTAL TO FISHING OPERATIONS

Commercial fishery	LOF category	ESA-listed marine mammal stock
HI deep-set longline/Western Pacific pelagic longline (HI deep-set component) <sup>1</sup> .	I .....	False killer whale, Main HI Islands Insular.
AK Bering Sea, Aleutian Islands flatfish trawl ..	II .....	Bearded seal, Beringia; Humpback whale, Western North Pacific; Ringed seal, Arctic; Steller sea lion, Western U.S.
AK Bering Sea, Aleutian Islands pollock trawl	II .....	Bearded seal, Beringia; Humpback whale, Mexico-North Pacific; Humpback whale, Western North Pacific; Ringed seal, Arctic; Steller sea lion, Western U.S.

TABLE 1—PROPOSED LIST OF COMMERCIAL FISHERIES AUTHORIZED TO TAKE (M/SI) SPECIFIC THREATENED AND ENDANGERED MARINE MAMMALS INCIDENTAL TO FISHING OPERATIONS—Continued

Commercial fishery	LOF category	ESA-listed marine mammal stock
AK Gulf of Alaska sablefish longline .....	II .....	Sperm whale, North Pacific; Steller sea lion, Western U.S.

<sup>1</sup> The Western Pacific pelagic longline (HI deep-set component) is the corresponding high seas component of the HI deep-set longline fishery as defined on the MMPA List of Fisheries.

Category III fisheries are those commercial fisheries that have a remote likelihood of or no known incidental mortality or serious injury of marine mammals (MMPA section 118(c)(1)(A)(iii)). All commercial fisheries classified as Category III on the most current LOF do not require MMPA 101(a)(5)(E) authorization so long as any mortality or injury of marine mammals incidental to their operations is reported pursuant to MMPA section 118(e). Furthermore, per NMFS' Procedural Directive 02–204–02 (procedural directive), “Criteria for Determining Negligible Impact under MMPA section 101(a)(5)(E)” (NMFS 2020), NMFS considers such Category III fisheries to have a negligible impact on that marine mammal stock or species.

Thus, we incorporate by reference all Category III fisheries included in the 2024 MMPA LOF (89 FR 12257, February 16, 2024) as not subject to the ESA prohibition against incidentally taking marine mammals from endangered or threatened species, and not subject to any penalties, provided any mortalities or injuries are reported as required under MMPA section 118(e).

In addition, specifically for the purposes of MMPA section 101(a)(5)(E), commercial fisheries classified as Category I or II on the LOF solely because of incidental M/SI of non-ESA-listed marine mammals meet the definition of a Category III commercial fishery with respect to ESA-listed stocks or species because the fishery has a remote likelihood of or no known incidental M/SI of ESA-listed marine mammals (NMFS 2020). In other words, if the commercial fishery is a Category I or II fishery because of incidental take of non-ESA listed marine mammals, we consider it a Category III fishery here. We have determined that the following Category I and II commercial fisheries meet this criteria:

#### Category I

- Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline; and
- AK Southeast salmon drift gillnet;

#### Category II

- AK Bristol Bay salmon drift gillnet;
- AK Kodiak salmon set gillnet;

- AK Peninsula/Aleutian Islands salmon set gillnet;
- AK Yakutat salmon set gillnet; and
- HI shallow-set longline/Western Pacific pelagic longline (HI shallow-set component).

These fisheries do not require 101(a)(5)(E) authorization and are not subject to the ESA prohibition against incidentally taking marine mammals from endangered or threatened stocks and not subject to any penalties, provided any marine mammal mortalities or injuries are reported as required under MMPA section 118(e).

NMFS regularly evaluates other commercial fisheries for purposes of making a negligible impact determination (NID) and issuing section 101(a)(5)(E) authorizations with the annual LOF as new information becomes available. More information about the fisheries in table 1 is available in the 2024 MMPA LOF (89 FR 12257, February 16, 2024) and on the internet at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/list-fisheries-summary-tables>.

For each commercial fishery listed in table 1, we reviewed the best available scientific information to determine if the fishery met the three requirements of MMPA section 101(a)(5)(E) for issuing a permit. This information is included in the 2024 MMPA LOF (89 FR 12257, February 16, 2024), the Stock Assessment Reports (SARs) for these species (available at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports>), recovery plans for these species (available at: <https://www.fisheries.noaa.gov/national/endangered-species-conservation/recovery-species-under-endangered-species-act>), and other relevant information, as detailed further in the documents describing the preliminary determinations supporting the permits (available at: <https://www.regulations.gov/docket/NOAA-NMFS-2024-0003>).

#### Basis for Determining Negligible Impact

Prior to issuing a MMPA 101(a)(5)(E) permit to take ESA-listed marine mammals incidental to commercial

fishing, NMFS must determine if the M/SI incidental to commercial fisheries will have a negligible impact on the affected marine mammal species or stocks. NMFS satisfies this requirement by making a NID. Although the MMPA does not define “negligible impact,” NMFS has issued regulations providing a qualitative definition of “negligible impact,” defined in 50 CFR 216.103, as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

#### Criteria for Determining Negligible Impact

NMFS uses a quantitative approach for determining negligible impact detailed in NMFS Procedural Directive 02–204–02 (directive), “Criteria for Determining Negligible Impact under MMPA section 101(a)(5)(E),” which became effective on June 17, 2020 (NMFS 2020). The procedural directive is available online at: <https://www.fisheries.noaa.gov/national/laws-and-policies/protected-resources-policy-directives>. The directive describes NMFS' process for determining whether incidental M/SI from commercial fisheries will have a negligible impact on ESA-listed marine mammal species/stocks (the first requirement necessary for issuing a MMPA section 101(a)(5)(E) permit as noted above).

The directive first describes the derivation of two Negligible Impact Thresholds (NIT), which represent levels of removal from a marine mammal species or stock. The first, Total Negligible Impact Threshold (NIT<sub>t</sub>), represents the total amount of human-caused M/SI that NMFS considers negligible for a given stock. The second, lower threshold, Single NIT (NIT<sub>s</sub>) represents the level of M/SI from a single commercial fishery that NMFS considers negligible for a stock. NIT<sub>s</sub> was developed in recognition that some stocks may experience non-negligible levels of total human-caused M/SI but one or more individual fisheries may contribute a very small portion of that M/SI, and the effect of an individual fishery may be considered negligible.

The directive describes a detailed process for using these NIT values to conduct a NID analysis for each fishery classified as a Category I or II fishery on the MMPA LOF. The NID process uses a two-tiered analysis. The Tier 1 analysis first compares the total human-caused M/SI for a particular stock to  $NIT_i$ . If  $NIT_i$  is not exceeded, then all commercial fisheries that kill or seriously injure the stock are determined to have a negligible impact on the particular stock. If  $NIT_i$  is exceeded, then the Tier 2 analysis compares each individual fishery's M/SI for a particular stock to  $NIT_s$ . If  $NIT_s$  is not exceeded, then the commercial fishery is determined to have a negligible impact on that particular stock. For transboundary, migratory stocks, because of the uncertainty regarding the M/SI that occurs outside of U.S. waters, we assume that total M/SI exceeds  $NIT_i$  and proceed directly to the Tier 2  $NIT_s$  analysis. If a commercial fishery has a negligible impact across all ESA-listed stocks, then the first of three findings necessary for issuing a MMPA 101(a)(5)(E) permit to the commercial fishery has been met (*i.e.*, a NID). If a commercial fishery has a non-negligible impact on any ESA-listed stock, then NMFS cannot issue a MMPA 101(a)(5)(E) permit for the fishery to incidentally take ESA-listed marine mammals.

These NID criteria rely on the best available scientific information, including estimates of a stock's minimum population size and human-caused M/SI levels, as published in the most recent SARs and other supporting documents, as appropriate. Using these inputs, the quantitative negligible impact thresholds allow for straightforward calculations that lead to clear negligible or non-negligible impact determinations for each commercial fishery analyzed. In rare cases, robust data may be unavailable for a straightforward calculation, and the directive provides instructions for completing alternative calculations or assessments where appropriate.

#### Negligible Impact Determinations

NMFS evaluated the impact of each commercial fishery (listed in table 1 above) following the directive and based on the best available scientific information, made preliminary NIDs. These NID analyses are presented in accompanying MMPA 101(a)(5)(E) evaluation documents that provide summaries of the information used to evaluate each ESA-listed stock documented on the 2024 MMPA LOF as killed or injured incidental to the fishery (available at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/list-fisheries-summary-tables>).

The draft MMPA 101(a)(5)(E) evaluation documents are available at: <https://www.regulations.gov/docket/NOAA-NMFS-2024-0003>.

The following stocks listed in table 1 are transboundary stocks: Western North Pacific stock of humpback whale, Mexico-North Pacific stock of humpback whale, North Pacific stock of sperm whale, Western U.S. stock of Steller sea lion, Beringia stock of bearded seal, and Arctic stock of ringed seal. As noted above, because of the uncertainty regarding M/SI that occurs outside of U.S. waters for transboundary stocks, we assumed that total M/SI exceeds  $NIT_i$  for the above transboundary stocks and proceeded directly to the Tier 2  $NIT_s$  analysis.

The most recent SARs for several stocks listed in table 1 include fishery-related M/SI not assigned to a specific commercial fishery (information provided in NID analyses summaries where applicable below). This unattributed fishery-related M/SI could be from any number of commercial, recreational, or subsistence fisheries, including fisheries listed in table 1. Because data are not currently available to assign the unattributed fishery-related M/SI to a specific commercial fishery, we did not include unattributed mortality in the calculations for NID Tier 2 analyses (described below). NMFS is actively monitoring the fisheries in table 1 through fishery observer programs. If additional fishery-related M/SI is documented through the observer programs that indicate additional M/SI of the stocks listed in Table 1, then NMFS will re-evaluate the appropriate NID and the permit.

Based on the criteria outlined in the directive, the most recent SAR, and the best available scientific information, NMFS has determined that the M/SI incidental to the four Category I and II fisheries listed in table 1 will have a negligible impact on the associated ESA-listed marine mammal stocks. Accordingly, this MMPA 101(a)(5)(E) requirement is satisfied for these commercial fisheries (see draft MMPA 101(a)(5)(E) determination document is available at: <https://www.regulations.gov/docket/NOAA-NMFS-2024-0003>). Summaries of the NID analyses are provided below.

#### *HI Deep-Set Longline/Western Pacific Pelagic Longline (HI Deep-Set Component) Fishery*

The Category I HI deep-set longline/Western Pacific pelagic longline (HI deep-set component) fishery has

documented incidental M/SI of the main HI Islands (MHI) insular stock of false killer whale in the 2023 draft SAR (Carretta *et al.* In press). The total annual average human caused M/SI for this stock (0.03) does not exceed  $NIT_i$  (0.258); thus, the Tier 1 analysis is satisfied and all commercial fisheries are considered to have a negligible impact on this stock (see accompanying MMPA 101(a)(5)(E) evaluation document linked above for NIT calculation).

#### *AK Bering Sea, Aleutian Islands Flatfish Trawl Fishery*

The Category II AK Bering Sea, Aleutian Islands flatfish trawl fishery has documented incidental M/SI of the Western U.S. stock of Steller sea lion in the 2023 draft SAR (Young *et al.* In press). The 2023 SAR includes mean annual total commercial fishery-related M/SI (39) for the Western U.S. stock of Steller sea lion. This comprises M/SI from all commercial fisheries, including the AK Bering Sea, Aleutian Islands flatfish trawl fishery, as well as fishery-related M/SI for the stock not assigned to a specific commercial fishery. The SAR also includes unattributed fishery-related M/SI (1.9) for the stock, which is not assigned to a specific commercial fishery.

The estimated M/SI of Steller sea lions (Western U.S. stock) in the AK Bering Sea, Aleutian Islands flatfish trawl fishery is 13, based on observer data. Since this M/SI (13) is less than  $NIT_s$  (38.87), NMFS determined that the AK Bering Sea, Aleutian Islands flatfish trawl fishery has a negligible impact on the Western U.S. stock of Steller sea lion (see accompanying MMPA 101(a)(5)(E) evaluation document).

The Category II AK Bering Sea, Aleutian Islands flatfish trawl fishery has documented M/SI of the Western North Pacific stock of humpback whale in the 2022 final SAR (Young *et al.* 2023). The 2022 SAR includes mean annual total commercial fishery-related M/SI (0.012) for the Western North Pacific stock of humpback whale. This comprises M/SI from all commercial fisheries, including the AK Bering Sea, Aleutian Islands flatfish trawl fishery, as well as fishery-related M/SI for the stock not assigned to a specific commercial fishery. The SAR also includes unattributed fishery-related M/SI (0.001) for the stock, which is not assigned to a specific commercial fishery. This unattributed fishery-related M/SI could be from any number of commercial, recreational, or subsistence fisheries, including the AK Bering Sea, Aleutian Islands flatfish trawl fishery.

The estimated M/SI of humpback whales (Western North Pacific stock) in the AK Bering Sea, Aleutian Islands flatfish trawl fishery is 0, based on observer data. Since this M/SI (0) is less than  $NIT_s$  (0.439), NMFS determined that the AK Bering Sea, Aleutian Islands flatfish trawl fishery has a negligible impact on the Western North Pacific stock of humpback whale (see accompanying MMPA 101(a)(5)(E) evaluation document).

The Category II AK Bering Sea, Aleutian Islands flatfish trawl fishery has documented incidental M/SI of the Beringia stock of bearded seal in the 2020 final SAR (Muto *et al.* 2021). The mean annual total commercial fishery-related M/SI of the Beringia stock of bearded seal is 1.8, and all attributed to trawl fisheries. The estimated M/SI of bearded seals (Beringia stock) in the AK Bering Sea, Aleutian Islands flatfish trawl fishery is 1.2, based on observer data. Since this M/SI (1.2) is less than  $NIT_s$  (213.5), NMFS determined that the AK Bering Sea, Aleutian Islands flatfish trawl fishery has a negligible impact on the Beringia stock of bearded seal (see accompanying MMPA 101(a)(5)(E) evaluation document).

The Category II AK Bering Sea, Aleutian Islands flatfish trawl fishery has documented incidental M/SI of the Arctic stock of ringed seal in the 2020 final SAR (Muto *et al.* 2021). The mean annual total commercial fishery-related M/SI of the Arctic stock of ringed seal is 4.8, and all attributed to trawl fisheries. The estimated M/SI of ringed seals (Arctic stock) in the AK Bering Sea, Aleutian Islands flatfish trawl fishery is 4.6, based on observer data. Since this M/SI (4.6) is less than  $NIT_s$  (123.6), NMFS determined that the AK Bering Sea, Aleutian Islands flatfish trawl fishery has a negligible impact on the Arctic stock of ringed seal (see accompanying MMPA 101(a)(5)(E) evaluation document).

#### *AK Bering Sea, Aleutian Islands Pollock Trawl Fishery*

The Category II AK Bering Sea, Aleutian Islands pollock trawl fishery has documented incidental M/SI of the Western U.S. stock of Steller sea lion in the 2023 draft SAR (Young *et al.* In press). The 2023 SAR includes mean annual total commercial fishery-related M/SI (39) for the Western U.S. stock of Steller sea lion. This comprises M/SI from all commercial fisheries, including the AK Bering Sea, Aleutian Islands flatfish trawl fishery, as well as fishery-related M/SI for the stock not assigned to a specific commercial fishery. The SAR also includes unattributed fishery-related M/SI (1.9) for the stock, which

is not assigned to a specific commercial fishery.

The estimated M/SI of Steller sea lions (Western U.S. stock) in the AK Bering Sea, Aleutian Islands pollock trawl fishery is 6.8, based on observer data. Since this M/SI (6.8) is less than  $NIT_s$  (38.87), NMFS determined that the AK Bering Sea, Aleutian Islands pollock trawl fishery has a negligible impact on the Western U.S. stock of Steller sea lion (see accompanying MMPA 101(a)(5)(E) evaluation document).

The Category II AK Bering Sea, Aleutian Islands pollock trawl fishery has documented incidental M/SI of the Arctic stock of ringed seal in the 2020 final SAR (Muto *et al.* 2021). The estimated M/SI of ringed seals (Arctic stock) in the AK Bering Sea, Aleutian Islands pollock trawl fishery is 0.2, based on observer data. Since this M/SI (0.2) is less than  $NIT_s$  (123.6), NMFS determined that the AK Bering Sea, Aleutian Islands pollock trawl fishery has a negligible impact on the Arctic stock of ringed seal (see accompanying MMPA 101(a)(5)(E) evaluation document).

The Category II AK Bering Sea, Aleutian Islands pollock trawl fishery has documented M/SI of the Western North Pacific stock of humpback whale in the 2022 final SAR (Young *et al.* 2023). The 2022 SAR includes mean annual total commercial fishery-related M/SI (0.012) for the Western North Pacific stock of humpback whale. This comprises M/SI from all commercial fisheries, including the AK Bering Sea, Aleutian Islands pollock trawl fishery, as well as fishery-related M/SI for the stock not assigned to a specific commercial fishery. The SAR also includes unattributed fishery-related M/SI (0.001) for the stock, which is not assigned to a specific commercial fishery.

The estimated M/SI of humpback whales (Western North Pacific stock) in the AK Bering Sea, Aleutian Islands pollock trawl fishery is 0.008, based on observer data. Since this M/SI (0.008) is less than  $NIT_s$  (0.439), NMFS determined that the AK Bering Sea, Aleutian Islands pollock trawl fishery has a negligible impact on the Western North Pacific stock of humpback whale (see accompanying MMPA 101(a)(5)(E) evaluation document).

The Category II AK Bering Sea, Aleutian Islands pollock trawl fishery has documented M/SI of the Mexico-North Pacific stock of humpback whale in the 2022 final SAR (Young *et al.* 2023). The 2022 SAR includes mean annual total commercial fishery-related M/SI (0.36) for the Mexico-North Pacific stock of humpback whale. This

comprises M/SI from all commercial fisheries, including the AK Bering Sea, Aleutian Islands pollock trawl fishery, as well as fishery-related M/SI for the stock not assigned to a specific commercial fishery. The SAR also includes unattributed fishery-related M/SI (0.05) for the stock, which is not assigned to a specific commercial fishery.

The estimated M/SI of humpback whales (Mexico-North Pacific stock) in the AK Bering Sea, Aleutian Islands pollock trawl fishery is 0.03, based on observer data. As described in the 2022 final SAR, the minimum population estimate ( $N_{min}$ ) for this stock is considered unknown (Young *et al.* 2023), and therefore  $NIT_s$  cannot be calculated directly. Using the process outlined in the directive (NMFS 2020), a threshold  $N_{min}$  for  $NIT_s$  was calculated. The threshold  $N_{min}$  for  $NIT_s$  is 69.93. Since it is likely that the minimum population for the Mexico-North Pacific stock of humpback whale exceeds the threshold  $N_{min}$ , NMFS has determined that the AK Bering Sea, Aleutian Islands pollock trawl fishery has a negligible impact on the Mexico-North Pacific stock of humpback whale (see accompanying MMPA 101(a)(5)(E) evaluation document).

The Category II AK Bering Sea, Aleutian Islands pollock trawl fishery has documented incidental M/SI of the Beringia stock of bearded seal in the 2020 final SAR (Muto *et al.* 2021). The estimated M/SI of bearded seal (Beringia stock) in the AK Bering Sea, Aleutian Islands pollock trawl fishery is 0.6, based on observer data. Since this M/SI (0.6) is less than  $NIT_s$  (213.5), NMFS determined that the AK Bering Sea, Aleutian Islands pollock trawl fishery has a negligible impact on the Beringia stock of bearded seal (see accompanying MMPA 101(a)(5)(E) evaluation document).

#### *AK Gulf of Alaska Sablefish Longline Fishery*

The Category II AK Gulf of Alaska sablefish longline fishery has documented M/SI of North Pacific stock of sperm whale in the 2020 final SAR (Muto *et al.* 2021). The estimated M/SI of sperm whales (North Pacific stock) in the AK Gulf of Alaska sablefish longline fishery is 1.1, based on observer data.

As noted in the SAR, current and historical abundance estimates of sperm whales in the North Pacific are based on limited data and are considered unreliable; caution should be exercised in interpreting published estimates. Further, sperm whales are far-ranging and exhibit sex segregation and stock overlap that together make population

size estimation difficult (Muto *et al.* 2021). More specifically, females and juveniles are unlikely to occur in this area, so the abundance estimate includes only males. As described in the 2020 final SAR, a  $N_{\min}$  can be calculated for this stock using the population estimate of 345 (coefficient of variation (CV) = 0.43) from surveys in the Gulf of Alaska in 2015, the  $N_{\min}$  is then derived from the estimate and CV and results in a  $N_{\min}$  of 244 sperm whales. However, this  $N_{\min}$  (244) is an underestimate for the entire stock because it is based on surveys of a small portion of the stock's extensive range and it does not account for animals missed on the trackline or for females and juveniles in tropical and subtropical waters (Muto *et al.* 2021). Therefore, using the process outlined in the directive (NMFS 2020), we calculated a threshold  $N_{\min}$  for NIT<sub>s</sub> which is 4,230.8. Genetic evidence suggests that the males sampled in the sub-Arctic come from multiple populations at lower latitudes including the West Coast ( $N_{\min}$  = 1,270) and Hawai'i ( $N_{\min}$  = 4,486) stocks as well as the Eastern Tropical Pacific sperm and thus do not represent the males from a single population (Mesnick *et al.* 2011). Given the uncertainty of the stock assessment and the underestimated abundance, NMFS has determined that it is likely that the abundance is greater than the threshold  $N_{\min}$  and that the AK Gulf of Alaska sablefish longline fishery has a negligible impact on the North Pacific stock of sperm whale (see accompanying MMPA 101(a)(5)(E) evaluation document).

The Category II AK Gulf of Alaska sablefish longline fishery has documented incidental M/SI of the Western U.S. stock of Steller sea lion in the 2023 draft SAR (Young *et al.* In press). The 2023 SAR includes mean annual total commercial fishery-related M/SI (39) for the Western U.S. stock of Steller sea lion. This comprises M/SI from all commercial fisheries, including the AK Gulf of Alaska sablefish longline fishery, as well as fishery-related M/SI for the stock not assigned to a specific commercial fishery. The SAR also includes unattributed fishery-related M/SI (1.9) for the stock, which is not assigned to a specific commercial fishery.

The estimated M/SI of Steller sea lions (Western U.S. stock) in the AK Gulf of Alaska sablefish longline fishery is 1.9, based on observer data. Since this M/SI (1.9) is less than NIT<sub>s</sub> (38.87), NMFS determined that the AK Gulf of Alaska sablefish longline fishery has a negligible impact on the Western U.S. stock of Steller sea lion (see

accompanying MMPA 101(a)(5)(E) evaluation document).

### Recovery Plans

Recovery plans for Steller sea lions, sperm whales, and false killer whales (MHI insular) have been completed (see <https://www.fisheries.noaa.gov/national/endangered-species-conservation/recovery-species-under-endangered-species-act>).

A new recovery plan for humpback whales is being developed. In 2016, NMFS revised the listing status of the humpback whale under the ESA. The globally listed endangered species was divided into 14 distinct population segments (DPSs), the species-level listing was removed, and NMFS listed four DPSs as endangered and one DPS as threatened (81 FR 62260, September 8, 2016). In June 2022, NMFS published a recovery outline for the Central America, Mexico, and Western North Pacific DPSs of humpback whales (<https://www.fisheries.noaa.gov/resource/document/recovery-outline-central-america-mexico-and-western-north-pacific-distinct>). The recovery outline serves as an interim guidance document and, with the existing species-wide recovery plan, directs recovery efforts, including recovery planning, for the Central America, Mexico, and Western North Pacific DPSs of humpback whales. Once finalized, the new recovery plan will replace the species-wide recovery plan that was published in 1991.

Recovery plans for bearded and ringed seals are also being developed.

Accordingly, the requirement that a recovery plan has been developed or is being developed pursuant to the ESA is satisfied.

### Take Reduction Plans

The MMPA section 118 requires the development and implementation of a TRP for each strategic stock that interacts with a Category I or II fishery. Subject to available funding, the Secretary shall give highest priority to the development of TRPs for species or stocks whose M/SI exceeds potential biological removal (PBR) level, have a small population size, and which are declining most rapidly. The stocks considered for these permits are designated as strategic stocks under the MMPA because the stocks or a component of the stocks are listed as threatened species or endangered species under the ESA (MMPA section 3(19)(C)).

The MMPA establishes short- and long-term goals of a TRP. The short-term goal of a TRP is to reduce M/SI of marine mammals incidentally taken in

commercial fisheries to levels below the PBR for stocks. The long-term goal is to reduce M/SI of marine mammals incidentally taken in commercial fisheries to levels below the insignificant threshold, defined by NMFS as 10 percent of a stock's PBR level (50 CFR 229.2). The obligations to develop and implement a TRP are subject to the availability of funding. MMPA section 118(f)(3) (16 U.S.C. 1387(f)(3)) contains specific priorities for developing TRPs when funding is insufficient. NMFS has insufficient funding available to simultaneously develop and implement TRPs for all strategic stocks that interact with Category I or Category II fisheries. As provided in MMPA section 118(f)(6)(A) and (f)(7), NMFS uses the SAR and LOF as the basis to determine its priorities for establishing TRT and developing TRPs. Information about NMFS' marine mammal TRTs and TRPs may be found at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-take-reduction-plans-and-teams>.

The HI deep-set longline fishery, for the affected marine mammal species or stocks (table 1), has a TRP in place.

Both the AK Bering Sea, Aleutian Islands flatfish trawl and AK Bering Sea, Aleutian Islands pollock trawl fisheries, for the affected marine mammals species or stocks (table 1) have met the long-term goals of a TRP (*i.e.*, M/SI of marine mammals incidentally taken in to these fisheries is below the insignificant threshold, which is 10 percent of a stock's PBR level).

PBR and incidental M/SI for each stock listed in table 1 in the AK Bering Sea, Aleutian Islands flatfish trawl fishery are as follows:

- Bearded seal, Beringia—PBR = 8,210, M/SI = 1.2, M/SI as percent of the stock's PBR = 0.01 percent;
- Humpback whale, Western North Pacific—PBR = 0.2, M/SI = 0, M/SI as percent of stock's PBR = 0 percent;
- Ringed seal, Arctic—PBR = 4,755, M/SI = 4.6, M/SI as percent of the stock's PBR = 0.097 percent; and
- Steller sea lion, Western U.S.—PBR = 299, M/SI = 13, M/SI as percent of the stock's PBR = 4.3 percent.

PBR and incidental M/SI for each stock listed in table 1 in the AK Bering Sea, Aleutian Islands pollock trawl fishery are as follows:

- Bearded seal, Beringia—PBR = 8,210, M/SI = 0.6, M/SI as percent of the stock's PBR = 0.007 percent;

- Humpback whale, Mexico-North Pacific—PBR is undetermined, M/SI = 0.03;<sup>1</sup>

- Humpback whale, Western North Pacific—PBR = 0.2, M/SI = 0.008, M/SI as percent of stock's PBR = 4 percent;

- Ringed seal, Arctic—PBR = 4,755, M/SI = 0.2, M/SI as percent of the stock's PBR = 0.004 percent; and

- Steller sea lion, Western U.S.—PBR = 299, M/SI = 6.8, M/SI as percent of the stock's PBR = 2.2 percent.

Marine mammal M/SI incidental to each commercial fishery (AK Bering Sea, Aleutian Islands flatfish trawl, and AK Bering Sea, Aleutian Islands pollock trawl) is below 10 percent of each stock's PBR; thus it is already below the insignificance threshold and approaching a zero M/SI rate. MMPA Section 118(b) requires fisheries to reduce incidental M/SI to insignificant levels and states that fisheries that maintain insignificant M/SI levels shall not be required to further reduce those rates. Therefore, the AK Bering Sea, Aleutian Islands flatfish trawl and AK Bering Sea, Aleutian Islands pollock trawl fisheries cannot be required to further reduce M/SI rates associated with marine mammal species or stocks. As a result, further take reduction planning is not appropriate at this time.

As noted above and in the SAR, the  $N_{min}$  (244) for the North Pacific stock of sperm whales “is an underestimate for the entire stock because it is based on surveys of a small portion of the stock's extensive range and it does not account for animals missed on the trackline or for females and juveniles in tropical and subtropical waters” (Muto *et al.* 2021). Based on NMFS' priorities, implementation of a TRP for the AK Gulf of Alaska sablefish longline fishery is under development but currently deferred under MMPA section 118(f)(3) as other stocks/fisheries are a higher priority for any available funding. Likewise, even if NMFS was required to engage in further take reduction planning for the AK Bering Sea, Aleutian Islands flatfish trawl and AK Bering Sea, Aleutian Islands pollock trawl fisheries, further development of a TRP for those fisheries would also be deferred under MMPA section 118(f)(3)

as other stocks/fisheries are a higher priority for any available funding.

All of the evaluated fisheries listed in table 1, for the affected marine mammal species or stocks, have a TRP in place, achieved the long-term goal of MMPA section 118(f), or based on NMFS' priorities, implementation of a TRP is currently deferred under section 118 as other stocks/fisheries are a higher priority for any available funding for establishing new TRPs. Accordingly, the requirement under MMPA section 118 to have TRPs in place or in development is satisfied (see preliminary determinations supporting the permits available on the internet at <https://www.regulations.gov/docket/NOAA-NMFS-2024-0003>).

### Monitoring Program

Under MMPA section 118(d), NMFS is to establish a program for monitoring incidental M/SI of marine mammals from commercial fishing operations. Each of the fisheries listed in table 1 is monitored by NMFS fishery observer programs. Accordingly, the requirement under MMPA section 118 to have a monitoring program in place is satisfied.

### Vessel Registration

MMPA section 118(c) requires that vessels participating in Category I and II fisheries register to obtain an authorization to take marine mammals incidental to fishing activities. NMFS has integrated the MMPA registration process, implemented through the Marine Mammal Authorization Program, with existing state and Federal fishery license, registration, or permit systems for Category I and II fisheries on the LOF. Therefore, the requirement for vessel registration is satisfied.

### Conclusions for Proposed Permits

Based on the above evaluation for each commercial fishery listed in table 1 as it relates to the three requirements of MMPA section 101(a)(5)(E), we propose to issue MMPA 101(a)(5)(E) permits to the commercial fisheries in table 1 to authorize the incidental take of ESA-listed species or stocks during commercial fishing operations. If, during the 3-year authorization, there is a significant change in the information or conditions used to support any of these determinations, NMFS will re-evaluate whether to amend or modify the authorization, after notice and opportunity for public comment. If the authorization for an individual fishery in table 1 becomes amended, modified, or invalidated for any reason during the 3-year period, the authorizations for the other commercial fisheries in table 1 will continue unchanged and effective

until the end of the 3-year period.

NMFS solicits public comments on the proposed permits and the preliminary determinations supporting the permits.

### ESA Section 7 and National Environmental Policy Act Requirements

ESA section 7(a)(2) requires Federal agencies to ensure that actions they authorize, fund, or carry out do not jeopardize the continued existence of any species listed under the ESA, or destroy or adversely modify designated critical habitat of any ESA-listed species. The effects of these commercial fisheries on ESA-listed marine mammals for which permits are proposed here, were analyzed in the appropriate ESA section 7 Biological Opinions on the commercial fishery, and incidental take was exempted for those ESA-listed marine mammals for each of these fisheries in accordance with the Biological Opinions' incidental take statement. Under section 7 of the ESA, Biological Opinions quantify the effects of the proposed action on ESA-listed species and their critical habitat and, where appropriate, exempt take of ESA-listed species that is reasonably certain to occur, as specified in the incidental take statement.

Under MMPA section 101(a)(5)(E), NMFS analyzes previously documented M/SI incidental to commercial fisheries through the NID process, and when the necessary findings can be made, issues a MMPA section 101(a)(5)(E) permit that allows for an unspecified amount of incidental taking of specific ESA-listed marine mammal stocks while engaging in commercial fishing operations. Thus, the applicable standards and resulting analyses under the MMPA and ESA differ, and as such, do not always align.

The National Environmental Policy Act (NEPA) requires Federal agencies to evaluate the impacts of alternatives for their actions on the human environment. Because the proposed permits would not modify any fishery operation and the effects of the fishery operations have been evaluated in accordance with NEPA, no additional NEPA analysis beyond that conducted for the associated Fishery Management Plans is required for these permits. Issuing the proposed permits would have no additional impact on the human environment or effects on threatened or endangered species beyond those analyzed in these documents.

### References

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<sup>1</sup>  $N_{min}$  for the Mexico-North Pacific stock of humpback whale in the winter and summer areas is 2,241 and 766, respectively. Both of these estimates of abundance are based on data collected more than 15 years ago. As stated in the 2022 SAR, because  $N_{min}$  is considered unknown, PBR is undetermined. Based on the dated  $N_{min}$  for this population, that NMFS believes the population to be either stable or increasing, and the incidental M/SI of 0.03 in the AK Bering Sea, Aleutian Islands pollock trawl fishery, NMFS estimates the M/SI is below 10 percent of the stock's PBR.



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Dated: February 29, 2024.

**Angela Somma,**

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

[FR Doc. 2024–04599 Filed 3–4–24; 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; Pacific Islands Region Permit Family of Forms

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 December 12th, 2023 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* National Marine Fisheries Service (NMFS), Commerce.

*Title:* Pacific Islands Region Permit Family of Forms.

*OMB Control Number:* 0648–0490.

*Form Number(s):* None.

*Type of Request:* Regular submission [extension of a current information collection].

*Number of Respondents:* 263.

*Average Hours per Response:* 0.5 hr.

*Total Annual Burden Hours:* 134.

*Needs and Uses:* This request is for an extension of a currently approved information collection.

The Magnuson-Stevens Fishery Conservation and Management Act established the Western Pacific Fishery Management Council (Council), to develop fishery ecosystem plans (FEP) for fisheries in the United States (U.S.) exclusive economic zone (EEZ) and high seas of the Pacific Islands region. These plans, if approved by the Secretary of Commerce, are implemented in Federal regulations by the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) and enforced by NOAA's Office of Law Enforcement (OLE) and the U.S. Coast Guard (USCG), in cooperation with state and territorial agencies. FEPs regulate fishing to prevent overfishing and to ensure the long-term productivity and social and economic benefit of the resources.

Regulations at 50 CFR 665, subpart F, require that a vessel used to fish with

longline gear for western Pacific pelagic management unit species (PMUS), land or transship longline caught PMUS, or receive longline caught PMUS from a longline vessel, within the Exclusive Economic Zone (EEZ) or management subarea around U.S. islands in the central and western Pacific must be registered to a valid Federal fishing permit. The regulations also require that a vessel used to fish with squid jig gear for pelagic squid species listed in the western Pacific PMUS within the EEZ or management subareas around U.S. islands in the central and western Pacific, or fish with troll and handline gear for PMUS in allowed locations within the EEZ around each of the Pacific Remote Island Areas (PRIA), must be registered to a valid Federal fishing permit.

Regulations at 50 CFR parts 665, subparts D and E, require that the owner of a vessel used to fish for, land, or transship bottomfish management unit species (BMUS) using a large vessel (50 ft or longer) in the Guam management subarea, fish commercially for BMUS in the Commonwealth of the Northern Mariana Islands management subarea, or fish for BMUS in allowed locations within the EEZ around each of the PRIA, must register it to a valid Federal fishing permit.

Regulations at 50 CFR parts 665, subparts B, C, D, and E, require that the owner of a vessel used to fish for, land, or transship crustacean management unit species (CMUS) in the EEZs or management subareas around American Samoa, Hawaii, Guam, Northern Mariana Islands, or in allowed locations within the EEZ around each of the PRIA, must register it to a valid Federal fishing permit. The regulations also require that a vessel used to fish for precious corals within the EEZ or management subarea around U.S. islands in the central and western Pacific must be registered to a valid Federal fishing permit for a specific precious coral permit area.

This collection of information is needed for permit issuance, to identify actual or potential participants in the fishery, determine qualifications for permits, and to help measure the impacts of management controls on the participants in the fishery. The permit program is also an effective tool in the enforcement of fishery regulations and facilitates communication between NMFS and fishermen.

*Affected Public:* Business or other for-profit organizations; individuals or households; not-for-profit institutions; state, local, or tribal government; Federal government.

*Frequency:* Annually, or as required.

*Respondent's Obligation:* Mandatory.  
*Legal Authority:* 50 CFR 665.

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 0648–0490.

**Sheleen Dumas,**

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

[FR Doc. 2024–04632 Filed 3–4–24; 8:45 am]

**BILLING CODE 3510–22–P**

## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; AmeriCorps Seniors Programs COVID Effects Evaluation

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** The Corporation for National and Community Service, operating as AmeriCorps, has submitted a public information collection request (ICR) entitled AmeriCorps Seniors Programs COVID Effects Evaluation for review and approval in accordance with the Paperwork Reduction Act.

**DATES:** Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by April 4, 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.

**FOR FURTHER INFORMATION CONTACT:** Copies of this ICR, with applicable supporting documentation, may be

obtained by calling AmeriCorps, Melissa Gouge, at 202–676–376736 or by email to [mgouge@americorps.gov](mailto:mgouge@americorps.gov).

**SUPPLEMENTARY INFORMATION:** The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of AmeriCorps, 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;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

### Comments

A 60-day notice requesting public comment was published in the **Federal Register** on September 7, 2023 at 88 FR 61574. The comment period ended November 6, 2023. No public comments were received from that Notice.

*Title of Collection:* AmeriCorps Seniors Programs COVID Effects Evaluation.

*OMB Control Number:* 3045–NEW.

*Type of Review:* New.

*Respondents/Affected Public:* Individuals.

*Total Estimated Number of Annual Responses:* 5,048 hours.

*Total Estimated Number of Annual Burden Hours:* 2,394.

*Abstract:* The purpose of this new information collection is to gather data for a national evaluation to assess how AmeriCorps Seniors programs have changed since COVID–19, and the impact of the programmatic changes in service delivery have on AmeriCorps Seniors volunteers and communities served by the programs.

**Mary Hyde,**

*Director, Office of Research and Evaluation.*

[FR Doc. 2024–04603 Filed 3–4–24; 8:45 am]

**BILLING CODE 6050–28–P**

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Notice of Intent To Prepare an Environmental Impact Statement for the Micron Semiconductor Manufacturing Facility Project, Town of Clay, Onondaga County, New York

**AGENCY:** U.S. Army Corps of Engineers, Department of the Army, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** The U.S. Army Corps of Engineers (USACE), Buffalo District, has received an application for a Department of the Army (DA) permit (USACE number LRB–2000–02198) from Micron New York Semiconductor Manufacturing LLC (Micron), a wholly owned subsidiary of Micron Technology, Inc., to construct a semiconductor manufacturing facility for leading-edge manufacturing of dynamic random-access memory (DRAM) chips. The USACE, as the lead federal agency under the National Environmental Policy Act (NEPA), has determined the proposed project may significantly affect the quality of the human environment and will prepare an environmental impact statement (EIS). The USACE action will be to issue, issue with modifications, or deny a DA permit for the proposed project. The EIS will assess the potential social, economic, and environmental impacts of the proposed project.

**ADDRESSES:** Written comments regarding the proposed EIS scope should be submitted to: U.S. Army Corps of Engineers, Buffalo District, Attn: Ms. Margaret Crawford, 7413 County House Road, New York 13021. Individuals who would like to provide comments electronically should submit comments by email to: [celrb-micron.public.comments@usace.army.mil](mailto:celrb-micron.public.comments@usace.army.mil).

**FOR FURTHER INFORMATION CONTACT:** For information about this project or to be included on the mailing list for future updates and meeting announcements, contact Ms. Margaret Crawford at the USACE by telephone at (716) 879–6331, by email at [celrb-micron.public.comments@usace.army.mil](mailto:celrb-micron.public.comments@usace.army.mil), or by mail at the mailing address provided above.

**SUPPLEMENTARY INFORMATION:** The USACE intends to prepare an EIS for the proposed semiconductor manufacturing facility project. The proposed project requires authorization from the USACE under Section 404 of the Clean Water Act (33 U.S.C. 1344) for the discharge of

dredged or fill material into waters of the United States.

1. *Proposed Action.* Micron New York Semiconductor Manufacturing LLC (Micron), a wholly owned subsidiary of Micron Technology, Inc., is proposing to construct a semiconductor manufacturing facility for leading-edge manufacturing of dynamic random-access memory (DRAM) chips. Micron is proposing to construct the semiconductor manufacturing facility over a continuous 20-year period (the "Proposed Project"). The Proposed Project consists of (1) construction of the Micron Campus, which will include four individual memory fabrication units (fabs), ancillary support facilities, driveways, and parking; (2) construction of a childcare and health care center located at 9100 Caughdenoy Road, Brewerton, NY; (3) construction of a connection to the National Grid substation, adjacent to the Micron Campus, and (4) a rail spur on the west side of Caughdenoy Road adjacent to the proposed facility. Micron intends to start construction of the Micron Campus in 2025, with two fabs (Fabs 1 and 2) becoming operational by 2029. Two more fabs (Fabs 3 and 4) would be operational by 2041. Separately, Onondaga County plans to improve the water supply and wastewater infrastructure to support operations of the manufacturing plant. The National Grid utility company plans to upgrade the energy infrastructure to support the Proposed Project. The Proposed Project is anticipated to involve placement of fill into a total of approximately 226 acres of federally regulated wetlands on the proposed Micron Campus, 18 acres on the Rail Spur property west of the proposed campus, and 7,523 linear feet of federally regulated streams and ditches. The applicant proposes to develop a compensatory wetland mitigation plan to offset permanent losses of waters of the United States from the Proposed Project.

2. *Location.* Micron is proposing to acquire the approximately 1400-acre White Pine Commerce Park site, located at 5171 Route 31, in the Town of Clay, Onondaga County, New York 13041, from the Onondaga County Industrial Development Agency (OCIDA) at Latitude and Longitude: 43.190792, -76.157056.

3. *Alternatives.* The EIS will address an array of alternatives. Alternatives may include, but are not limited to, no action, alternative sites, and alternative facility designs. Mitigation measures could include, but are not limited to, avoidance and minimization, enhancement, restoration, or

establishment of wetlands and other waters.

4. *Scoping Process.* The scoping period will continue for 30 days from the date of this Notice of Intent. During the scoping period, the USACE invites federal, state, and local agencies, Tribal Nations, other interested parties, and the general public to participate in the scoping process. The purpose of the scoping process is to provide information to the public, serve as a mechanism to solicit agency and public input on alternatives, identify significant issues to be analyzed in the EIS, and ensure full and open participation in scoping for the draft EIS. USACE anticipates that potential impacts to land use; socioeconomic conditions; environmental justice communities; historic and cultural resources; visual impacts; geology, soils, and topography; water resources; biological resources; solid waste; hazardous materials; health and safety; transportation; air quality; greenhouse gas emissions and climate change; noise; and utilities and infrastructure will be analyzed in the EIS. Scoping comments may be submitted by conventional mail or email. All comments must include the USACE number LRB-2000-02198. In order to be accepted, email comments must originate from the author's email account. All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act, including any personally identifiable information such as names, phone numbers, and addresses.

USACE is serving as the lead federal agency pursuant to 40 CFR 1501.7. The Department of Commerce National Institute of Standards and Technology (NIST), the Federal Highway Administration (FHWA), and the U.S. Environmental Protection Agency (EPA) agreed to participate as Cooperating Agencies pursuant to 40 CFR 1501.8. USACE is responsible for a decision under the CWA Section 404 permitting process and will rely on the EIS in support of that decision. NIST received an application for federal financial assistance under the Creating Helpful Incentives to Produce Semiconductors for America (CHIPS) Act for the Proposed Project. If NIST decides to provide financial assistance, the agency must conduct an environmental review under NEPA. Additionally, NIST has subject matter experts in the production of semiconductors who can provide technical assistance in the preparation of the EIS. FHWA agreed to participate due to its expertise on traffic analysis. EPA will conduct the review required

by Section 309 of the Clean Air Act (CAA) and will also support the evaluation of, among other things, air quality impacts; impacts to water resources; and environmental justice concerns. Although USFWS is not a cooperating agency, it will participate in development of the EIS; prepare a Biological Opinion under ESA Section 7; and provide expertise when considering impacts to wetlands, floodplains, wildlife, and habitat. USACE is inviting the Tribal Nations to consult related to the Proposed Project.

Other environmental review and consultation requirements include consultation under Section 106 of the National Historic Preservation Act, consultation under Section 7 of the Endangered Species Act, and consultation under the Fish and Wildlife Coordination Act. The Proposed Project is anticipated to require a Clean Air Act Title V air permit, Certification of Water Quality under Section 401 of the CWA, and a State Pollutant Discharge Elimination System General Permit under Section 402 of the CWA. Further, a Notice of Proposed Construction or Alteration is expected to be filed with the Federal Aviation Administration.

5. *Scoping Meetings.* A public scoping meeting will be held on Tuesday March 19, 2024, 7 p.m. Eastern Time at the Town of Clay—Town Hall Board Room; 4401 Route 31; Clay, NY 13041. Agencies, organizations, and members of the general public are invited to present comments or suggestions with regard to the range of actions, alternatives, and potential impacts to be considered in the EIS.

6. *Availability of the Draft EIS.* USACE will use input provided by government agencies, private organizations, and the public in the preparation of the Draft EIS. The USACE will work with the Cooperating Agencies to develop a schedule for preparation of the Draft EIS. That schedule will be published when it is available. The Draft EIS will be filed with the US Environmental Protection Agency (EPA) and will be available for public comment 45 days from the date the EPA publishes its **Federal Register** notice.

Approved by:  
**Joseph M. Savage,**  
*Regional Programs Director.*  
[FR Doc. 2024-04709 Filed 3-1-24; 4:15 pm]

**BILLING CODE P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****[Docket No. ER24–1340–000]****EDPR Scarlet II BESS LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization**

This is a supplemental notice in the above-referenced proceeding of EDPR Scarlet II BESS LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 19, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

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Dated: February 28, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–04639 Filed 3–4–24; 8:45 am]

**BILLING CODE 6717–01–P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****[Docket No. IN23–14–000]****Ketchup Caddy, LLC, Philip Mango; Updated Notice of Designation of Commission Staff as Non-Decisional**

With respect to an order issued by the Commission on February 21, 2024, in the above-captioned docket, with the exceptions noted below, the staff of the Office of Enforcement are designated as non-decisional in deliberations by the Commission in this docket.<sup>1</sup> Accordingly, pursuant to 18 CFR 385.2202 (2023), they will not serve as advisors to the Commission or take part in the Commission's review of any offer of settlement. Likewise, as non-decisional staff, pursuant to 18 CFR 385.2201 (2023), they are prohibited from communicating with advisory staff

<sup>1</sup> *Ketchup Caddy, LLC and Philip Mango*, 186 FERC ¶ 61,132 (2024).

concerning any deliberations in this docket.

Exceptions to this designation as non-decisional are:

Danielle Mechling  
Neill Tseng  
Michael Raibman  
Rebecca Wahlenmayer  
Shawn Au  
Benjamin Jarrett  
Serrita Hill  
Steven Bundick

Dated: February 27, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–04528 Filed 3–4–24; 8:45 am]

**BILLING CODE 6717–01–P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****[Docket No. RM98–1–000]****Records Governing Off-the-Record Communications; Public Notice**

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable

proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40

CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. This filing may be viewed on the Commission's website at <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, 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.

Docket Nos.	File date	Presenter or requester
<i>Prohibited:</i> 1. None <i>Exempt:</i> 1. P-14803-000 .....	2-21-2024	FERC Staff. <sup>1</sup>

<sup>1</sup> U.S. Congress Doug LaMalfa.

Dated: February 27, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024-04527 Filed 3-4-24; 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:* EG24-119-000.  
*Applicants:* EDPR Scarlet II BESS LLC.

*Description:* EDPR Scarlet II BESS LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

*Filed Date:* 2/27/24.  
*Accession Number:* 20240227-5146.  
*Comment Date:* 5 p.m. ET 3/19/24.

*Docket Numbers:* EG24-120-000.  
*Applicants:* EDPR Scarlet II LLC.  
*Description:* EDPR Scarlet II LLC

submits Notice of Self-Certification of Exempt Wholesale Generator Status.

*Filed Date:* 2/27/24.  
*Accession Number:* 20240227-5147.  
*Comment Date:* 5 p.m. ET 3/19/24.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER24-797-001.  
*Applicants:* PJM Interconnection, L.L.C.

*Description:* Tariff Amendment: Amendment of Original CRA, SA No. 7158; NQ213 in Docket ER24-797-000 to be effective 12/1/2023.

*Filed Date:* 2/27/24.  
*Accession Number:* 20240227-5136.  
*Comment Date:* 5 p.m. ET 3/19/24.

*Docket Numbers:* ER24-798-001.  
*Applicants:* Southwest Power Pool, Inc.

*Description:* Tariff Amendment: 1628R25 Western Farmers Electric

Cooperative NITSA NOAs to be effective 12/1/2023.

*Filed Date:* 2/27/24.

*Accession Number:* 20240227-5062.

*Comment Date:* 5 p.m. ET 3/19/24.

*Docket Numbers:* ER24-1327-000.

*Applicants:* Tri-State Generation and Transmission Association, Inc.

*Description:* § 205(d) Rate Filing: Initial Filing of Rate Schedule No. 365 to be effective 12/31/9998.

*Filed Date:* 2/26/24.

*Accession Number:* 20240226-5236.

*Comment Date:* 5 p.m. ET 3/18/24.

*Docket Numbers:* ER24-1328-000.

*Applicants:* Atrisco Solar LLC.

*Description:* Baseline eTariff Filing: Application for Market Based Rate Authority to be effective 5/1/2024.

*Filed Date:* 2/26/24.

*Accession Number:* 20240226-5242.

*Comment Date:* 5 p.m. ET 3/18/24.

*Docket Numbers:* ER24-1329-000.

*Applicants:* Atrisco Energy Storage LLC.

*Description:* Baseline eTariff Filing: Application for Market Based Rate Authority to be effective 5/1/2024.

*Filed Date:* 2/26/24.

*Accession Number:* 20240226-5245.

*Comment Date:* 5 p.m. ET 3/18/24.

*Docket Numbers:* ER24-1330-000.

*Applicants:* Quail Ranch Solar LLC.

*Description:* Baseline eTariff Filing: Application for Market Based Rate Authority to be effective 8/1/2025.

*Filed Date:* 2/26/24.

*Accession Number:* 20240226-5246.

*Comment Date:* 5 p.m. ET 3/18/24.

*Docket Numbers:* ER24-1331-000.

*Applicants:* Quail Ranch Energy Storage LLC.

*Description:* Baseline eTariff Filing: Application for Market Based Rate Authority to be effective 8/1/2025.

*Filed Date:* 2/26/24.

*Accession Number:* 20240226-5249.

*Comment Date:* 5 p.m. ET 3/18/24.

*Docket Numbers:* ER24-1332-000.

*Applicants:* Entergy Louisiana, LLC.

*Description:* § 205(d) Rate Filing: DEMCO LBA Agreement to be effective 4/1/2024.

*Filed Date:* 2/26/24.

*Accession Number:* 20240226-5261.

*Comment Date:* 5 p.m. ET 3/18/24.

*Docket Numbers:* ER24-1334-000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: Basin Electric Schedule 2 to Attachment J Clarification to be effective 4/29/2024.

*Filed Date:* 2/27/24.

*Accession Number:* 20240227-5061.

*Comment Date:* 5 p.m. ET 3/19/24.

*Docket Numbers:* ER24-1335-000.

*Applicants:* Pacific Gas and Electric Company.

*Description:* § 205(d) Rate Filing: TO21 Revisions to Formula Rate: CGI Depreciation Rates to be effective 4/29/2024.

*Filed Date:* 2/27/24.

*Accession Number:* 20240227-5104.

*Comment Date:* 5 p.m. ET 3/19/24.

*Docket Numbers:* ER24-1336-000.

*Applicants:* White Wing Ranch North, LLC.

*Description:* Baseline eTariff Filing: Market-Based Rate Application and Request for Expedited Action to be effective 4/12/2024.

*Filed Date:* 2/27/24.

*Accession Number:* 20240227-5115.

*Comment Date:* 5 p.m. ET 3/19/24.

*Docket Numbers:* ER24-1337-000.

*Applicants:* Alabama Power Company, Georgia Power Company, Mississippi Power Company.

*Description:* § 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): Three Rocks Solar LGIA Filing to be effective 2/15/2024.

*Filed Date:* 2/27/24.

*Accession Number:* 20240227-5122.

*Comment Date:* 5 p.m. ET 3/19/24.

*Docket Numbers:* ER24-1338-000.

*Applicants:* Alabama Power Company, Georgia Power Company, Mississippi Power Company.

*Description:* § 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): West Fork Solar LGIA Filing to be effective 2/15/2024.

*Filed Date:* 2/27/24.

*Accession Number:* 20240227–5125.

*Comment Date:* 5 p.m. ET 3/19/24.

*Docket Numbers:* ER24–1339–000.

*Applicants:* EDPR Scarlet II LLC.

*Description:* Baseline eTariff Filing: Market-Based Rate Application and Request for Expedited Action to be effective 2/28/2024.

*Filed Date:* 2/27/24.

*Accession Number:* 20240227–5153.

*Comment Date:* 5 p.m. ET 3/19/24.

*Docket Numbers:* ER24–1340–000.

*Applicants:* EDPR Scarlet II BESS LLC.

*Description:* Baseline eTariff Filing: Market-Based Rate Application and Request for Expedited Action to be effective 2/28/2024.

*Filed Date:* 2/27/24.

*Accession Number:* 20240227–5156.

*Comment Date:* 5 p.m. ET 3/19/24.

*Docket Numbers:* ER24–1341–000.

*Applicants:* Tri-State Generation and Transmission Association, Inc.

*Description:* § 205(d) Rate Filing: Northwest Rural Public Power District Withdrawal Agreement to be effective 4/28/2024.

*Filed Date:* 2/27/24.

*Accession Number:* 20240227–5170.

*Comment Date:* 5 p.m. ET 3/19/24.

*Docket Numbers:* ER24–1342–000.

*Applicants:* Pacific Gas and Electric Company.

*Description:* § 205(d) Rate Filing: WDT3 Revisions to Formula Rate: CGI Depreciation Rates to be effective 4/29/2024.

*Filed Date:* 2/27/24.

*Accession Number:* 20240227–5172.

*Comment Date:* 5 p.m. ET 3/19/24.

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.

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Dated: February 27, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–04538 Filed 3–4–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL24–62–000]

#### Idaho Power Company; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On February 27, 2024, the Commission issued an order in Docket No. EL24–62–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e, instituting an investigation to determine whether Idaho Power Company's market-based rates are unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. *Idaho Power Company*, 186 FERC ¶ 61,142 (2024).

The refund effective date in Docket No. EL24–62–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket No. EL24–62–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 (2023), within 21 days of the date of issuance of the order.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link.

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The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFile" link at <http://www.ferc.gov>. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, 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.

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Dated: February 27, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–04533 Filed 3–4–24; 8:45 am]

**BILLING CODE 6717–01–P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****[Docket No. ER24–1345–000]****RB Inyokern Solar WDAT 1281 LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization**

This is a supplemental notice in the above-referenced proceeding of RB Inyokern Solar WDAT 1281 LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 19, 2024.

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Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

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Dated: February 28, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–04638 Filed 3–4–24; 8:45 am]

**BILLING CODE 6717–01–P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****[Docket No. ER24–1339–000]****EDPR Scarlet II LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization**

This is a supplemental notice in the above-referenced proceeding of EDPR Scarlet II LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice

and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 19, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

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Dated: February 28, 2024.

**Debbie-Anne A. Reese,**  
*Acting Secretary.*

[FR Doc. 2024-04640 Filed 3-4-24; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER24-1336-000]

#### **White Wing Ranch North, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization**

This is a supplemental notice in the above-referenced proceeding of White Wing Ranch North, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 19, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

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888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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Dated: February 28, 2024.

**Debbie-Anne A. Reese,**  
*Acting Secretary.*

[FR Doc. 2024-04641 Filed 3-4-24; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. CP24-70-000; CP16-454-000]

#### **Rio Grande LNG, LLC, Rio Grande LNG Train 4, LLC, Rio Grande LNG Train 5, LLC; Notice of Application and Establishing Intervention Deadline**

Take notice that on February 22, 2024, Rio Grande LNG, LLC (RGLNG), Rio Grande LNG Train 4, LLC (RGLNG 4), and Rio Grande LNG Train 5, LLC (RGLNG 5) (collectively, RGLNG Entities), 1000 Louisiana Street, 39th Floor, Houston, Texas 77002, filed an application under section 3 of the Natural Gas Act (NGA) and Subpart B of Part 153 of the Commission's regulations requesting authorization to transfer part of the ownership of RGLNG's NGA section 3 authorization<sup>1</sup> for the Rio Grande LNG Terminal located in Cameron County, Texas. Specifically, the RGLNG Entities propose to transfer the ownership of Train 4 and Train 5 to RGLNG 4 and RGLNG 5 respectively. RGLNG Entities state that the project is an administrative change, and that they propose no modifications to the Terminal or alterations to the original certificate, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page ([www.ferc.gov](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. Public access to records formerly available in the Commission's physical Public Reference Room, which was located at the Commission's headquarters, 888 First Street NE, Washington, DC 20426, are now available via the Commission's website. For assistance, contact the Federal Energy Regulatory Commission at [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov) or call toll-free, (866) 208-3676 or TTY (202) 502-8659.

<sup>1</sup> *Rio Grande LNG, LLC*, 169 FERC ¶61,131 (2019) (Authorization), *reh'g denied*, 170 FERC ¶61,046 (2020) (Order on Rehearing); *Rio Grande LNG, LLC*, Docket No. CP16-454-000 (FERC Staff Letter Order "Approval of Design Change Proposals" issued Aug. 13, 2020) (August 13 Letter Order); *Rio Grande LNG, LLC*, 183 FERC ¶61,046 (2023) (Remand Order); *Rio Grande LNG, LLC*, 185 ¶61,080 (2023) (Remand Rehearing).



Any questions regarding the proposed project should be directed to Vera de Gyrafas, General Counsel and Corporate Secretary, NextDecade Corporation, 1000 Louisiana Street, 39th Floor Houston, Texas 77002, by phone at 832-703-0938, or by email at [vdegyrafas@next-decade.com](mailto:vdegyrafas@next-decade.com).

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,<sup>2</sup> within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

### Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5 p.m. eastern time on March 8, 2024. How to file protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

### Comments

Any person wishing to comment on the project may do so. Comments may

include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

### Protests

Pursuant to sections 157.10(a)(4)<sup>3</sup> and 385.211<sup>4</sup> of the Commission's regulations under the NGA, any person<sup>5</sup> may file a protest to the application. Protests must comply with the requirements specified in section 385.2001<sup>6</sup> of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before March 8, 2024.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number CP24-70-000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at [www.ferc.gov](http://www.ferc.gov) under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Comment on a Filing"; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number (CP24-70-000).

*To file via USPS:* Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

*To file via any other courier:* Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

<sup>3</sup> 18 CFR 157.10(a)(4).

<sup>4</sup> 18 CFR 385.211.

<sup>5</sup> Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

<sup>6</sup> 18 CFR 385.2001.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502-8258 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov).

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

### Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,<sup>7</sup> has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure<sup>8</sup> and the regulations under the NGA<sup>9</sup> by the intervention deadline for the project, which is March 8, 2024. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP24-70-000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the

<sup>7</sup> 18 CFR 385.102(d).

<sup>8</sup> 18 CFR 385.214.

<sup>9</sup> 18 CFR 157.10.

<sup>2</sup> 18 CFR (Code of Federal Regulations) 157.9.

Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Intervention." The eFiling feature includes a document-less intervention option; for more information, visit <https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf>; or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number CP24–70–000.

*To file via USPS:* Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

*To file via any other courier:* Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov).

Protests and motions to intervene must be served on the applicant either by mail or email at: Vera de Gyrafas, General Counsel and Corporate Secretary, NextDecade Corporation, 1000 Louisiana Street, 39th Floor Houston, TX 77002 or at [vdegyrafas@next-decade.com](mailto:vdegyrafas@next-decade.com). Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed <sup>10</sup> motions to intervene are automatically granted by operation of Rule 214(c)(1).<sup>11</sup> Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.<sup>12</sup> A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and

will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

### Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at [www.ferc.gov](http://www.ferc.gov) using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to [www.ferc.gov/docs-filing/esubscription.asp](http://www.ferc.gov/docs-filing/esubscription.asp).

*Intervention Deadline:* 5 p.m. eastern time on March 8, 2024.

Dated: February 27, 2024.

**Debbie-Anne A. Reese,**  
*Acting Secretary.*

[FR Doc. 2024–04535 Filed 3–4–24; 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:* PR24–52–000.

*Applicants:* Aethon United Pipeline LP.

*Description:* 284.123(g) Rate Filing: Petition for Rate Approval to be effective 3/1/2024.

*Filed Date:* 2/27/24.

*Accession Number:* 20240227–5181.

*Comment Date:* 5 p.m. ET 3/19/24.

*284.123(g) Protest:* 5 p.m. ET 4/29/24.

*Docket Numbers:* RP24–431–000.

*Applicants:* Empire Pipeline, Inc.

*Description:* Compliance filing: Refund Report Jan–Dec 2023 (Per Settlement in RP18–940) to be effective N/A.

*Filed Date:* 2/27/24.

*Accession Number:* 20240227–5140.

*Comment Date:* 5 p.m. ET 3/11/24.

*Docket Numbers:* RP24–433–000.

*Applicants:* ETC Tiger Pipeline, LLC.  
*Description:* 4(d) Rate Filing: Amended NRA #4—BP Energy Co to be effective 3/1/2024.

*Filed Date:* 2/28/24.

*Accession Number:* 20240228–5067.

*Comment Date:* 5 p.m. ET 3/11/24.

*Docket Numbers:* RP24–434–000.

*Applicants:* High Island Offshore System, L.L.C.

*Description:* 2024 Annual Fuel Tracker Filing of High Island Offshore System, L.L.C.

*Filed Date:* 2/28/24.

*Accession Number:* 20240228–5094.

*Comment Date:* 5 p.m. ET 3/11/24.

*Docket Numbers:* RP24–435–000.

*Applicants:* TransCameron Pipeline, LLC.

*Description:* Annual Report of Operational Purchases and Sales of TransCameron Pipeline, LLC.

*Filed Date:* 2/28/24.

*Accession Number:* 20240228–5098.

*Comment Date:* 5 p.m. ET 3/11/24.

*Docket Numbers:* RP24–436–000.

*Applicants:* Algonquin Gas Transmission, LLC.

*Description:* 4(d) Rate Filing: Negotiated Rates—Yankee Gas to Emera Energy eff 2–28–24 to be effective 2/28/2024.

*Filed Date:* 2/28/24.

*Accession Number:* 20240228–5105.

*Comment Date:* 5 p.m. ET 3/11/24.

*Docket Numbers:* RP24–437–000.

*Applicants:* El Paso Natural Gas Company, L.L.C.

*Description:* 4(d) Rate Filing: Negotiated Rate Agreements Update (Hartree 614700 615843 610670 Mar 2024) to be effective 3/1/2024.

*Filed Date:* 2/28/24.

*Accession Number:* 20240228–5107.

*Comment Date:* 5 p.m. ET 3/11/24.

*Docket Numbers:* RP24–438–000.

*Applicants:* Wyoming Interstate Company, L.L.C.

*Description:* 4(d) Rate Filing: Non-Conforming Agreement Update Filing (Spotlight Amendment) to be effective 4/1/2024.

*Filed Date:* 2/28/24.

*Accession Number:* 20240228–5109.

*Comment Date:* 5 p.m. ET 3/11/24.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (<https://www.ferc.gov>)

<sup>10</sup> The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

<sup>11</sup> 18 CFR 385.214(c)(1).

<sup>12</sup> 18 CFR 385.214(b)(3) and (d).

[elibrary.ferc.gov/idmws/search/fercgensearch.asp](http://elibrary.ferc.gov/idmws/search/fercgensearch.asp) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

Dated: February 28, 2024.

**Debbie-Anne A. Reese,**  
Acting Secretary.

[FR Doc. 2024-04644 Filed 3-4-24; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC24-51-000.

*Applicants:* Midway Sunset Cogeneration Company.

*Description:* Midway-Sunset Cogeneration Company submits Application for Authorization Under Section 203 of the Federal Power Act.

*Filed Date:* 2/27/24.

*Accession Number:* 20240227-5228.

*Comment Date:* 5 p.m. ET 4/12/24.

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG24-121-000.

*Applicants:* Elawan Pitts Dudik Solar II, LLC.

*Description:* Elawan Pitts Dudik Solar II, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

*Filed Date:* 2/28/24.

*Accession Number:* 20240228-5216.

*Comment Date:* 5 p.m. ET 3/20/24.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER23-2234-002; ER10-2124-027; ER10-2125-028; ER10-2127-026; ER10-2128-027; ER10-2131-031; ER10-2132-027; ER10-2133-028; ER10-2137-031; ER10-2138-032; ER10-2139-032; ER10-2140-031; ER10-2141-031; ER10-2596-015; ER10-2764-027; ER11-2029-010; ER11-3872-029; ER11-4044-033; ER11-4046-032; ER12-2200-011; ER14-2187-025; ER14-2799-022; ER15-1873-019; ER16-2035-005; ER16-2449-005; ER17-2088-005; ER18-471-013; ER18-1197-010; ER20-2444-007; ER20-2445-007; ER21-136-006; ER21-258-008; ER21-628-005; ER21-1838-006; ER21-2137-011; ER21-2715-006; ER21-2716-006; ER22-1999-005; ER22-2091-005; ER22-2474-003; ER22-2475-003; ER23-644-002; ER23-645-002; ER23-646-003; ER23-647-003; ER23-1846-003; ER23-2233-002; ER23-2235-002; ER23-2236-002; ER23-2237-002; ER23-2238-002; ER23-2240-002; ER23-2241-002; ER23-2242-002; ER23-2243-002; ER23-2244-002; ER23-2245-002; ER23-2668-002; ER23-2726-001; ER23-2746-001; ER23-2895-001.

*Applicants:* Hardin Solar Energy II LLC, El Sol Storage LLC, Walnut Bend Solar LLC, Richfield Solar Energy LLC, Pixley Solar Energy LLC, Pixley Solar Energy Holdings LLC, Lazbuddie Wind Energy LLC, Lazbuddie Wind Energy Holdings LLC, Flat Ridge 5 Wind Energy LLC, Flat Ridge 5 Wind Energy Holdings LLC, Flat Ridge 4 Wind, LLC, Flat Ridge 4 Wind Holdings LLC, Chisholm Trail Solar Energy LLC, Chisholm Trail Solar Energy Holdings LLC, Algodon Solar Energy Holdings LLC, Boomtown Solar Energy LLC, Diversion Wind Energy Holdings LLC, Wagon Wheel Wind Project Holdings LLC, Wagon Wheel Wind Project, LLC, Diversion Wind Energy LLC, Top Hat Wind Energy Holdings LLC, Top Hat Wind Energy LLC, Calhoun Solar Energy LLC, Number Three Wind LLC, Fairbanks Solar Holdings LLC, Fairbanks Solar Energy Center LLC, IR Energy Management LLC, Orangeville Energy Storage LLC, Harry Allen Solar Energy LLC, Todd Solar LLC, Flat Ridge 3 Wind Energy, LLC, Prineville Solar Energy LLC, Millican Solar Energy LLC, Camilla Solar Energy LLC, States Edge Wind I LLC, Apple Blossom Wind, LLC, Boulder Solar II, LLC, Black Oak Wind, LLC, Buckeye Wind Energy LLC, Beech Ridge Energy Storage LLC, Grand Ridge Energy Storage LLC, Mehoopany Wind Energy LLC, Gratiot County Wind II LLC, Gratiot County Wind LLC, Stony Creek Energy LLC, Cedar Creek II, LLC, Vantage Wind Energy LLC, Fowler

Ridge II Wind Farm LLC, Grand Ridge Energy V LLC, Grand Ridge Energy IV LLC, Grand Ridge Energy III LLC, Grand Ridge Energy II LLC, Beech Ridge Energy LLC, Sheldon Energy LLC, Willow Creek Energy LLC, Grand Ridge Energy LLC, Wolverine Creek Energy LLC, Invenergy TN LLC, Judith Gap Energy LLC, Spring Canyon Energy LLC, Algodon Solar Energy LLC.

*Description:* Notice of Change in Status of Algodon Solar Energy LLC, et al.

*Filed Date:* 2/27/24.

*Accession Number:* 20240227-5198.

*Comment Date:* 5 p.m. ET 3/19/24.

*Docket Numbers:* ER24-523-001.

*Applicants:* Alabama Power Company, Georgia Power Company, Mississippi Power Company.

*Description:* Tariff Amendment: Alabama Power Company submits tariff filing per 35.17(b): SR Hope Hull LGIA Deficiency Response to be effective 11/20/2023.

*Filed Date:* 2/28/24.

*Accession Number:* 20240228-5120.

*Comment Date:* 5 p.m. ET 3/20/24.

*Docket Numbers:* ER24-1203-000.

*Applicants:* System Energy Resources, Inc.

*Description:* Formal Challenge of Retail Regulators to January 31, 2024, Annual Informational Filing by System Energy Resources, Inc.

*Filed Date:* 2/28/24.

*Accession Number:* 20240228-5138.

*Comment Date:* 5 p.m. ET 3/29/24.

*Docket Numbers:* ER24-1343-000.

*Applicants:* MS Solar 6, LLC.

*Description:* Initial rate filing: MS Solar 6 Co-Tenancy and Shared Facilities Agreement Filing to be effective 2/28/2024.

*Filed Date:* 2/27/24.

*Accession Number:* 20240227-5186.

*Comment Date:* 5 p.m. ET 3/19/24.

*Docket Numbers:* ER24-1344-000.

*Applicants:* MS Solar 5, LLC.

*Description:* Initial rate filing: MS Solar 5 Certificate of Concurrence to SFA filing to be effective 2/28/2024.

*Filed Date:* 2/27/24.

*Accession Number:* 20240227-5192.

*Comment Date:* 5 p.m. ET 3/19/24.

*Docket Numbers:* ER24-1345-000.

*Applicants:* RB Inyokern Solar WDAT 1281 LLC.

*Description:* Baseline eTariff Filing: RB Inyokern Solar WDAT 1281 LLC MBR Tariff to be effective 4/28/2024.

*Filed Date:* 2/27/24.

*Accession Number:* 20240227-5207.

*Comment Date:* 5 p.m. ET 3/19/24.

*Docket Numbers:* ER24-1346-000.

*Applicants:* RB Inyokern Solar WDAT 1203 LLC.

*Description:* Baseline eTariff Filing: RB Inyokern Solar WDAT 1203 LLC MBR Tariff to be effective 4/28/2024.  
*Filed Date:* 2/27/24.

*Accession Number:* 20240227–5209.  
*Comment Date:* 5 p.m. ET 3/19/24.

*Docket Numbers:* ER24–1347–000.

*Applicants:* Atrisco BESS SF LLC.

*Description:* Baseline eTariff Filing: LGIA Co-Tenancy Agreement and Shared Facilities Agreement to be effective 5/1/2024.

*Filed Date:* 2/28/24.

*Accession Number:* 20240228–5013.

*Comment Date:* 5 p.m. ET 3/20/24.

*Docket Numbers:* ER24–1348–000.

*Applicants:* Atrisco Solar LLC.

*Description:* Baseline eTariff Filing: LGIA Co-Tenancy Agreement and Shared Facilities Agreement to be effective 5/1/2024.

*Filed Date:* 2/28/24.

*Accession Number:* 20240228–5014.

*Comment Date:* 5 p.m. ET 3/20/24.

*Docket Numbers:* ER24–1349–000.

*Applicants:* Atrisco Energy Storage LLC.

*Description:* Baseline eTariff Filing: LGIA Co-Tenancy Agreement and Shared Facilities Agreement to be effective 5/1/2024.

*Filed Date:* 2/28/24.

*Accession Number:* 20240228–5015.

*Comment Date:* 5 p.m. ET 3/20/24.

*Docket Numbers:* ER24–1350–000.

*Applicants:* Atrisco Solar SF LLC.

*Description:* Baseline eTariff Filing: LGIA Co-Tenancy Agreement and Shared Facilities Agreement to be effective 5/1/2024.

*Filed Date:* 2/28/24.

*Accession Number:* 20240228–5016.

*Comment Date:* 5 p.m. ET 3/20/24.

*Docket Numbers:* ER24–1351–000.

*Applicants:* Quail Ranch BESS SF LLC.

*Description:* Baseline eTariff Filing: LGIA Co-Tenancy Agreement and Shared Facilities Agreement to be effective 5/1/2024.

*Filed Date:* 2/28/24.

*Accession Number:* 20240228–5017.

*Comment Date:* 5 p.m. ET 3/20/24.

*Docket Numbers:* ER24–1352–000.

*Applicants:* Quail Ranch Solar LLC.

*Description:* Baseline eTariff Filing: LGIA Co-Tenancy Agreement and Shared Facilities Agreement to be effective 5/1/2024.

*Filed Date:* 2/28/24.

*Accession Number:* 20240228–5018.

*Comment Date:* 5 p.m. ET 3/20/24.

*Docket Numbers:* ER24–1353–000.

*Applicants:* Quail Ranch Solar SF LLC.

*Description:* Baseline eTariff Filing: LGIA Co-Tenancy Agreement and

Shared Facilities Agreement to be effective 5/1/2024.

*Filed Date:* 2/28/24.

*Accession Number:* 20240228–5019.

*Comment Date:* 5 p.m. ET 3/20/24.

*Docket Numbers:* ER24–1354–000.

*Applicants:* Quail Ranch Energy Storage LLC.

*Description:* Baseline eTariff Filing: LGIA Co-Tenancy Agreement and Shared Facilities Agreement to be effective 5/1/2024.

*Filed Date:* 2/28/24.

*Accession Number:* 20240228–5023.

*Comment Date:* 5 p.m. ET 3/20/24.

*Docket Numbers:* ER24–1357–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Tariff Amendment: Cancellation of WMPA, SA No. 4840; AC2–174 re: Breach to be effective 4/29/2024.

*Filed Date:* 2/28/24.

*Accession Number:* 20240228–5046.

*Comment Date:* 5 p.m. ET 3/20/24.

*Docket Numbers:* ER24–1358–000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* 205(d) Rate Filing: 3101R6 Heartland Consumers Power District NITSA NOA to be effective 2/1/2024.

*Filed Date:* 2/28/24.

*Accession Number:* 20240228–5056.

*Comment Date:* 5 p.m. ET 3/20/24.

*Docket Numbers:* ER24–1359–000.

*Applicants:* Midcontinent Independent System Operator, Inc., Michigan Electric Transmission Company, LLC, Consumers Energy Company.

*Description:* 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 2024–02–28 SA 1756 METC-Consumers Energy 17th Rev GIA (G479B) to be effective 2/1/2024.

*Filed Date:* 2/28/24.

*Accession Number:* 20240228–5085.

*Comment Date:* 5 p.m. ET 3/20/24.

*Docket Numbers:* ER24–1360–000.

*Applicants:* Tri-State Generation and Transmission Association, Inc.

*Description:* 205(d) Rate Filing: Initial Filing of Facilities Use Agreement to be effective 4/29/2024.

*Filed Date:* 2/28/24.

*Accession Number:* 20240228–5197.

*Comment Date:* 5 p.m. ET 3/20/24.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercensearch.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](mailto:OPP@ferc.gov).

Dated: February 28, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–04645 Filed 3–4–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER24–1330–000]

#### Quail Ranch Solar LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Quail Ranch Solar LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 18, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202-502-6652 (toll free at 1-866-208-3676) or email at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at [public.referenceroom@ferc.gov](mailto:public.referenceroom@ferc.gov).

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rehearing, the public is encouraged to contact OPP at (202) 502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

Dated: February 27, 2024.

**Debbie-Anne A. Reese,**  
*Acting Secretary.*

[FR Doc. 2024-04530 Filed 3-4-24; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER24-1329-000]

#### Atrisco Energy Storage LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Atrisco Energy Storage LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 18, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human

Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

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Dated: February 27, 2024.

**Debbie-Anne A. Reese,**  
*Acting Secretary.*

[FR Doc. 2024-04531 Filed 3-4-24; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP24-58-000]

#### Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline; Colorado Interstate Gas Company, L.L.C.

Take notice that on February 16, 2024, Colorado Interstate Gas Company, L.L.C. (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in the

above referenced docket, a prior notice request pursuant to sections 157.205 and 157.216(b) of the Commission's regulations under the Natural Gas Act (NGA), and CIG's blanket certificate issued in Docket No. CP83–21–000, for authorization to abandon by sale, its Niobrara Compressor Station. All of the above facilities are located in Washington County, Colorado (Niobrara Compressor Station Abandonment Project). The project will allow CIG to abandon the Niobrara Compressor Station by sale to Smith Energy, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page ([www.ferc.gov](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. Public access to records formerly available in the Commission's physical Public Reference Room, which was located at the Commission's headquarters, 888 First Street NE, Washington, DC 20426, are now available via the Commission's website. For assistance, contact the Federal Energy Regulatory Commission at [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov) or call toll-free, (866) 208–3676 or TTY (202) 502–8659.

Any questions concerning this request should be directed to Francisco Tarin, Director, Regulatory, Colorado Interstate Gas Company, L.L.C., Two North Nevada Avenue, Colorado Springs, Colorado 80903, at (719) 667–7515, or [francisco\\_tarin@kindermorgan.com](mailto:francisco_tarin@kindermorgan.com).

#### Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on April 29, 2024. How to file protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and

others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

#### Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,<sup>1</sup> any person<sup>2</sup> or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,<sup>3</sup> and must be submitted by the protest deadline, which is April 29, 2024. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

#### Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure<sup>4</sup> and the regulations under the NGA<sup>5</sup> by the intervention deadline for the project, which is April 29, 2024. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order

to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

#### Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before April 29, 2024. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

#### How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP24–58–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or<sup>6</sup>

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP24–58–000.

<sup>1</sup> 18 CFR 157.205.

<sup>2</sup> Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

<sup>3</sup> 18 CFR 157.205(e).

<sup>4</sup> 18 CFR 385.214.

<sup>5</sup> 18 CFR 157.10.

<sup>6</sup> Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at [www.ferc.gov](http://www.ferc.gov) under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

To file via USPS: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other method: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov).

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: Francisco Tarin, Director, Regulatory, Colorado Interstate Gas Company, L.L.C., Two North Nevada Avenue, Colorado Springs, Colorado 80903, or to [francisco\\_tarin@kindermorgan.com](mailto:francisco_tarin@kindermorgan.com). Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

#### Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website at [www.ferc.gov](http://www.ferc.gov) using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to [www.ferc.gov/docs-filing/esubscription.asp](http://www.ferc.gov/docs-filing/esubscription.asp).

Dated: February 28, 2024.

**Debbie-Anne A. Reese,**  
Acting Secretary.

[FR Doc. 2024-04642 Filed 3-4-24; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER24-1328-000]

#### Atrisco Solar LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Atrisco Solar LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 18, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary.

The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202-502-6652 (toll free at 1-866-208-3676) or email at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at [public.reference@ferc.gov](mailto:public.reference@ferc.gov).

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

Dated: February 27, 2024.

**Debbie-Anne A. Reese,**  
Acting Secretary.

[FR Doc. 2024-04532 Filed 3-4-24; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP23-535-000]

#### WBI Energy Transmission, Inc.; Notice of Availability of the Environmental Assessment for the Proposed South Spearfish Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the South Spearfish Project proposed by WBI Energy Transmission, Inc. (WBI Energy) in the above-referenced docket. WBI Energy requests authorization to construct, uprate, modify operate, and abandon natural gas facilities in Lawrence County, South Dakota. The proposed project activities include:

- remove an existing pressure regulation and overpressure protection equipment and the valve setting for the Deadwood-Central City Lateral on Line Section 15;



- increase the maximum allowable operating pressure of the 8-inch-diameter Deadwood-Central City Lateral from the Deadwood Mainline Transfer Station to the proposed South Spearfish Station from 200 pounds per square inch gauge (psig) to 470 psig;

- install two pig launcher/receivers;<sup>1</sup>
- construct a new South Spearfish Station adjacent to the existing South Spearfish Lateral Takeoff Valve Setting;
- relocate approximately 500 feet of the South Spearfish Lateral; and
- abandon by sale to Montana-Dakota Utilities Company the existing 5.5-mile-long 4-inch-diameter South Spearfish Lateral and certain equipment at the existing South Spearfish Town Border Station.

The proposed project would allow for the redirection of incremental firm transportation capacity from WBI Energy's existing Line Section 15 in western South Dakota to meet the natural gas needs of shippers in the Black Hills region of western South Dakota, including Montana-Dakota Utilities Company.<sup>2</sup>

The EA assesses the potential environmental effects of the construction and operation of the South Spearfish Project in accordance with the requirements of the National Environmental Policy Act. 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* of the EA to federal, state, and local government representatives and agencies; elected officials; Native American Tribes; potentially affected landowners and other interested individuals and groups; 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 (*i.e.*, CP23–535). 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 27, 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.

- 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;

- 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

- You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP23–535–000) 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.

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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.

<sup>1</sup> A "pig" is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning the pipeline, conducting internal inspections, or other purposes. A pig launcher/receiver are facilities where pigs are inserted/retrieved from the pipeline.

<sup>2</sup> Under Docket CP23–87–000, WBI Energy was authorized to modify its Line Section 15 in Butte, Lawrence, Meade, and Pennington Counties, South Dakota in order to provide 15,000 dekatherms per day to Montana-Dakota Utilities Company for 10 years. The instant project would allow for this existing capacity to be directed to the proposed South Spearfish Station.



Dated: February 27, 2024.  
**Debbie-Anne A. Reese,**  
*Acting Secretary.*  
 [FR Doc. 2024-04536 Filed 3-4-24; 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:* CP24-71-000.  
*Applicants:* Columbia Gas of Kentucky, Inc.  
*Description:* Columbia Gas of Kentucky, Inc. submits Abbreviated Joint Application for a Certificate of Public Convenience and Necessity to Construct and for Limited Jurisdiction Certificate.  
*Filed Date:* 2/26/24.  
*Accession Number:* 20240226-5190.  
*Comment Date:* 5 p.m. ET 3/18/24.  
*Docket Numbers:* RP24-426-000.  
*Applicants:* Iroquois Gas Transmission System, L.P.  
*Description:* § 4(d) Rate Filing: 2.27.24 Negotiated Rates—Emera Energy Services, Inc. R-2715-93 to be effective 3/1/2024.  
*Filed Date:* 2/27/24.  
*Accession Number:* 20240227-5060.  
*Comment Date:* 5 p.m. ET 3/11/24.  
*Docket Numbers:* RP24-427-000.  
*Applicants:* Crossroads Pipeline Company.  
*Description:* Compliance filing: Annual Report on Operational Transactions 2024 to be effective N/A.  
*Filed Date:* 2/27/24.  
*Accession Number:* 20240227-5072.  
*Comment Date:* 5 p.m. ET 3/11/24.  
*Docket Numbers:* RP24-428-000.  
*Applicants:* Hardy Storage Company, LLC.  
*Description:* Compliance filing: Annual Report on Operational Transactions 2024 to be effective N/A.  
*Filed Date:* 2/27/24.  
*Accession Number:* 20240227-5081.  
*Comment Date:* 5 p.m. ET 3/11/24.  
*Docket Numbers:* RP24-429-000.  
*Applicants:* Columbia Gulf Transmission, LLC.  
*Description:* Compliance filing: Annual Report on Operational Transactions 2024 to be effective N/A.  
*Filed Date:* 2/27/24.  
*Accession Number:* 20240227-5090.  
*Comment Date:* 5 p.m. ET 3/11/24.  
*Docket Numbers:* RP24-430-000.

*Applicants:* Columbia Gas Transmission, LLC.  
*Description:* Compliance filing: Annual Report on Operational Transactions 2024 to be effective N/A.  
*Filed Date:* 2/27/24.  
*Accession Number:* 20240227-5092.  
*Comment Date:* 5 p.m. ET 3/11/24.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

Dated: February 27, 2024.  
**Debbie-Anne A. Reese,**  
*Acting Secretary.*  
 [FR Doc. 2024-04537 Filed 3-4-24; 8:45 am]  
**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER24-1331-000]

#### Quail Ranch Energy Storage LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Quail

Ranch Energy Storage LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 18, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202-502-6652 (toll free at 1-866-208-3676) or email at

[ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at [public.referenceroom@ferc.gov](mailto:public.referenceroom@ferc.gov).

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Dated: February 27, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–04529 Filed 3–4–24; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER24–1318–000]

#### **Pelican Power LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization**

This is a supplemental notice in the above-referenced proceeding of Pelican Power LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 18, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>.

To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at [public.referenceroom@ferc.gov](mailto:public.referenceroom@ferc.gov).

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Dated: February 27, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–04534 Filed 3–4–24; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER24–1346–000]

#### **RB Inyokern Solar WDAT 1203 LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization**

This is a supplemental notice in the above-referenced proceeding of RB Inyokern Solar WDAT 1203 LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 19, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's

Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

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The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

Dated: February 28, 2024.

**Debbie-Anne A. Reese,**  
*Acting Secretary.*

[FR Doc. 2024-04637 Filed 3-4-24; 8:45 am]

**BILLING CODE 6717-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-10164-02-R4]

### Final National Pollutant Discharge Elimination System (NPDES) General Permit for New and Existing Sources and New Dischargers in the Offshore Subcategory of the Oil and Gas Extraction Category for the Eastern Portion of the Outer Continental Shelf (OCS) of the Gulf of Mexico

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of final NPDES general permit issuance.

**SUMMARY:** The Director of the Water Division, Environmental Protection Agency (EPA) Region 4 provides in this notice the reissuing of the National Pollutant Discharge Elimination System (NPDES) General Permit (GEG460000) for existing and new sources and new dischargers in the Offshore Subcategory

of the Oil and Gas Extraction Point Source Category located and discharging to the Outer Continental Shelf (OCS) of the Eastern Gulf of Mexico. The permit covers discharges from exploration, development, and production facilities located in, and discharging to, all federal waters of the eastern portion of the Gulf of Mexico seaward of the outer boundary of the territorial seas. It covers existing and new source facilities with operations located on federal leases occurring in water depths seaward of 200 meters, occurring offshore the coasts of Alabama and Florida. The western boundary of the coverage area is demarcated by Mobile and Visoca Knoll lease blocks located seaward of the outer boundary of the territorial seas from the coasts of Mississippi and Alabama. Individual permits will be issued for operating facilities on lease blocks traversed by and shoreward of the 200-meter water depth.

**DATES:** This permit will be issued on the date it is published in the **Federal Register** and become effective at the end of the 30 day notice.

**FOR FURTHER INFORMATION CONTACT:** Ms. Bridget Staples, EPA Region 4, WD, NPDES Section, by telephone at (404) 562-9783 or by email at [Staples.Bridget@epa.gov](mailto:Staples.Bridget@epa.gov).

**SUPPLEMENTARY INFORMATION:** On June 9, 2023, EPA published in the **Federal Register** the proposed draft permit and supporting documents (88 FR 37878) entitled Notice of Draft National Pollutant Discharge Elimination System (NPDES) General Permit for the Eastern Portion of the Outer Continental Shelf (OCS) of the Gulf of Mexico (GEG460000) and subsequently an extension of the comment period to 90 total days (see 88 FR 43562). A copy of the Region's final permit, responses to comments document and other supporting documentation may be found online at <http://www.epa.gov/npdes-permits/eastern-gulf-mexico-offshore-oil-gas-ndes-permits>.

**Kathlene Butler,**  
*Director, Water Division.*

[FR Doc. 2024-04575 Filed 3-4-24; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2024-0075; FRL-11746-01-OCSPF]

### Draft Criteria for Product Category Rules To Support the Label Program for Low Embodied Carbon Construction Materials; Notice of Availability, Webinar and Request for Comment

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) is announcing the availability of and seeking public comment on a draft document titled "EPA Criteria for Product Category Rules to Support the Label Program for Low Embodied Carbon Construction Materials" (PCR Criteria) and is announcing a webinar on March 21, 2024. The Inflation Reduction Act (IRA) authorized \$100 million to EPA to develop a program to identify and label construction materials and products that have substantially lower embodied carbon, in coordination with the General Services Administration (GSA) and the Department of Transportation's Federal Highway Administration (FHWA).

**DATES:**

*Webinar:* March 21, 2024, 1-2 p.m. EST.

*Registration:* To receive the webcast meeting link and audio teleconference information before the meeting, you must register by 12 p.m. on March 21, 2024.

*Special Accommodations:* To allow EPA time to process your request for special accommodations, please submit your request to EPA by 5 p.m. EST on March 7, 2024.

*Written comments:* Submit your comments on or before April 4, 2024.

**ADDRESSES:** Webinar: Register online at [https://www.zoomgov.com/webinar/register/WN\\_wE6i2h3qQc6WghXIDu7WFg](https://www.zoomgov.com/webinar/register/WN_wE6i2h3qQc6WghXIDu7WFg).

*Special Accommodations:* Please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

*Written comments:* Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2024-0075, through <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional

instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:**

Peter Bacas, Data Gathering & Analysis Division (4410G), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 566-0549; email address: [bacas.peter@epa.gov](mailto:bacas.peter@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Executive Summary**

*A. Does this action apply to me?*

This is directed to the public in general. This notice may be of specific interest to Product Category Rule (PCR) Program Operators, PCR Committee members (trade associations, NGOs, material producers), Life Cycle Assessment (LCA) community members and PCR review panels. EPA will use this document to determine if PCRs are eligible to be used under EPA's Label Program for Low Embodied Carbon Construction Materials. Other interested stakeholders may include manufacturers of construction materials and products, Federal purchasers, institutional purchasers, private sector entities with large real estate portfolios, State and local governments and Tribal Nations purchasers, real estate developers, architects and engineers, standards development organizations, and construction trade groups and construction professionals.

*B. What is the Agency's authority for taking this action?*

IRA section 60116, 26 U.S.C. 55 *et seq.*, authorized \$100 million to EPA to develop a program to identify and label construction materials and products that have substantially lower embodied carbon, in coordination with the GSA and the FHWA.

*C. What action is the Agency taking?*

The Agency is requesting comment on the document titled "Criteria for Product Category Rules to Support the Label Program for Low Embodied Carbon Construction Materials" (PCR Criteria), which is available in the docket. EPA is requesting feedback on the PCR Criteria, which will enable the development of robust Environmental Product Declarations (EPDs) to be used for setting thresholds for the label program. EPA is also announcing a stakeholder engagement opportunity through a webinar. During the webinar EPA will give an informational presentation on the PCR Criteria.

*D. What should I consider as I prepare my comments?*

1. *Submitting CBI.* Do not submit CBI to EPA through <https://www.regulations.gov> or email. If you wish to include CBI in your comment, please follow the applicable instructions at <https://www.epa.gov/dockets/commenting-epa-dockets#rules> and clearly mark the part or all of the information that you claim to be CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2 and/or 40 CFR part 703, as applicable.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/commenting-epa-dockets.html>.

**II. Background**

An increasing number of U.S. Federal, State, and local government procurement policies, as well as large institutional procurement policies, are aimed at driving down greenhouse gas (GHG) emissions related to construction materials. These policies often require manufacturers to disclose the embodied carbon of the materials and products they produce to be eligible for procurement. Embodied carbon refers to the amount of GHG emissions associated with the extraction, production, transport and manufacturing of materials and products.

The IRA, passed by Congress and signed into law in August 2022, leverages Federal procurement and funding of buildings and infrastructure to catalyze markets for American-made construction materials and products with lower embodied carbon (also known as embodied greenhouse gas emissions). IRA section 60116 provided EPA with \$100 million to develop and carry out a program to identify and label construction materials and products that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal, as compared to estimated industry averages of similar materials or products. EPA is committed to developing a label program that creates an easy and reliable way for purchasers to identify and procure such lower embodied carbon construction materials and products. Standardizing and

improving the quality of data provided in product Environmental Product Declarations (EPDs), including by establishing consistent PCR criteria, is an essential step in the development of the label program. An EPD is a disclosure document that discloses key environmental impacts of a product's life, as outlined in a PCR. A PCR is a set of guidelines that determine what data should be gathered and how it will be evaluated when conducting the life cycle analysis used to create the EPD. PCRs act as the guardrails by providing specific rules, requirements, and guidelines for calculating and reporting environmental data for a product.

Current data quality requirements and PCR process development approaches lack the consistency, transparency and oversight measures required by the Federal Government. Therefore, EPA's PCR Criteria document builds on existing standardization efforts in order to ensure high quality, consistent and transparent data and processes are used to develop the documents which will ultimately be used to set thresholds and certify products under the label program. Existing documents used to create EPA's PCR Criteria include the Agency's "Framework for the Assessment of Environmental Performance Standards and Ecolabels for Federal Purchasing" ([https://www.epa.gov/system/files/documents/2022-02/updated-framework\\_020222.pdf](https://www.epa.gov/system/files/documents/2022-02/updated-framework_020222.pdf)), The "Product Category Rule Development Initiative's Guidance for PCR Development" ([https://cfpub.epa.gov/si/si\\_public\\_record\\_report.cfm?dir;EntryId=259406&Lab=NRMRL](https://cfpub.epa.gov/si/si_public_record_report.cfm?dir;EntryId=259406&Lab=NRMRL)) and the American Center for Life Cycle Assessment (ACLCA) guidance titled "2022 ACLCA PCR Guidance—Process and Methods Toolkit, Version May 2022" ([https://aclca.org/wp-content/uploads/2022-ACLCA-PCR-Guidance\\_v1\\_Introduction\\_05252022.pdf](https://aclca.org/wp-content/uploads/2022-ACLCA-PCR-Guidance_v1_Introduction_05252022.pdf)) ("ACLCA PCR Guidance of 2022").

Much of EPA's PCR Criteria document is based on the 2022 ACLCA PCR Guidance, primarily focusing on the second checklist at the data source level of conformance. However, the 2022 ACLCA PCR Guidance published prior to a Federal mandate to develop an embodied carbon label. As such, EPA's PCR Criteria document includes additional information needed to support EPA's Label Program for Low Embodied Carbon Materials and Products given the Federal Government's needs associated with public procurement, data specification, and other related items.

EPA received public feedback on actions needed to improve PCRs and

EPDs in response to a request comment on a document titled “Request for Information (RFI) to Support New Inflation Reduction Act Programs to Lower Embodied Greenhouse Gas Emissions Associated with Construction Materials and Products (January 19, 2023)” (<https://www.regulations.gov/docket/EPA-HQ-OPPT-2022-0924/document>), as well as Federal subject matter feedback and support from the Department of Transportation’s Federal Highways Administration, the General Services Administration, the Department of Energy, the Department of Commerce’s National Institute of Standards and Technology, and others. See 88 FR 5002, January 26, 2023 (FRL–10439–01–OCSPP).

### III. Request for Public Comment

#### A. What feedback does EPA hope to gain from the public comments?

EPA seeks feedback on whether the draft PCR Criteria adequately addresses existing gaps in data quality and standardization related to the PCRs to ensure robust, consistent, and representative EPDs are available to support the label program. EPA is also seeking input on the level of effort needed for PCRs to conform. EPA also welcomes specific input on each draft PCR criterion.

#### B. What is the request for information?

EPA encourages all potentially interested parties, including individuals, governmental and non-governmental organizations, non-profit organizations, academic institutions, research institutions, and private sector entities to comment on the PCR Criteria. To the extent possible, the Agency asks commenters to please cite any public data related to or that supports responses, and to the extent permissible, describe any supporting data that is not publicly available.

*Authority:* 26 U.S.C. 55 *et seq.*

Dated: February 29, 2024.

Jennie Romer,

Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2024–04593 Filed 3–4–24; 8:45 am]

BILLING CODE 6560–50–P

### ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OGC–2024–0098; FRL–11789–01–OGC]

#### Proposed Consent Decree, Clean Air Act Citizen Suit

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed consent decree; request for public comment.

**SUMMARY:** In accordance with the Clean Air Act, as amended (“CAA” or “the Act”), notice is given of a proposed consent decree to address lawsuits filed by Our Children’s Earth Foundation (“Plaintiff”) in the United States District Court for the Northern District of California: *Our Children’s Earth Foundation v. Michael S. Regan*, No. 3:23–cv–04955–WHA (N.D. Cal.). Plaintiff filed a complaint alleging that the Administrator failed to perform certain non-discretionary duties in accordance with the Act to take final action on state implementation plan (“SIP”) revisions submitted by the States of Arizona, New Mexico, Colorado, and Utah. Certain claims included in the Complaint were acted upon by Environmental Protection Agency (EPA) or were withdrawn by the State during the pendency of the suit, and the proposed consent decree would establish deadlines for EPA to sign a notice of final rulemaking on the remaining claims.

**DATES:** Written comments on the proposed consent decree must be received by April 4, 2024.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2024–0098, online at <https://www.regulations.gov> (EPA’s preferred method). Follow the online instructions for submitting comments.

*Instructions:* All submissions received must include the Docket ID number for this action. Comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the “Additional Information about Commenting on the Proposed Consent Decree” heading under the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Kyle Durch, Air and Radiation Law Office, Office of General Counsel, U.S. Environmental Protection Agency; telephone (202) 564–1809; email address [Durch.Kyle@epa.gov](mailto:Durch.Kyle@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Obtaining a Copy of the Proposed Consent Decree

The official public docket for this action (identified by Docket ID No. EPA–HQ–OGC–2024–0098) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of

Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744 and the telephone number for the OEI Docket is (202) 566–1752.

The electronic version of the public docket for this action contains a copy of the proposed consent decree and is available through <https://www.regulations.gov>. You may use <https://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select “search.”

##### II. Additional Information About the Proposed Consent Decree

The proposed consent decree would establish deadlines for EPA to take final action pursuant to CAA section 110(k) on certain SIP submissions by the States of Arizona, Colorado, and Utah. First, the proposed consent decree would require EPA to take final action on six SIP revisions submitted by the State of Arizona by December 15, 2024: (1) Arizona’s Redesignation Request/Maintenance Plan addressing the 1971 sulfur dioxide NAAQS in the Hayden planning area, submitted on or around June 27, 2002; (2) Maricopa County Air Quality District’s Rule 350 Storage and Transfer of Organic Liquids (Non-Gasoline) at an Organic Liquid Distribution Facility, submitted on or around December 3, 2020; (3) Maricopa County Air Quality District’s Rule 351 Storage and Loading of Gasoline at Bulk Gasoline Plants and at Bulk Gasoline Terminals, submitted on or around December 3, 2020; (4) Maricopa County Air Quality District’s Rule 352 Gasoline Cargo Tank Testing and Use, submitted on or around December 3, 2020; (5) Maricopa County Air Quality District’s Rule 353 Storage and Loading of Gasoline at a Gasoline Dispensing Facility, submitted on or around December 3, 2020; and (6) Arizona’s Infrastructure SIP addressing the 2015 ozone NAAQS, submitted on or about September 24, 2018.

Second, the proposed consent decree would require EPA to take final action on eight SIP revisions submitted by the State of Arizona by December 15, 2025: (1) Hayden PM<sub>10</sub> Plan, Arizona’s attainment plan, submitted on or about

October 16, 1989; (2) Arizona's AAC Title 18, Permits, submitted on or about October 29, 2012; (3) Arizona's Infrastructure SIP addressing the 2012 PM<sub>2.5</sub> NAAQS, submitted on or about December 11, 2015; (4) Maricopa County Rulebook Recodification Project, submitted on or about September 13, 2017; (5) Arizona's SIP revision for updates to the Cleaner Burning Gasoline Program, submitted on or about June 17, 2021; (6) Arizona's Reasonably Available Control Technology certification of Maricopa County Air Quality District's Rule 348 pertaining to the 2008 8-hour ozone NAAQS, submitted on or about June 30, 2021; (7) Maricopa County Air Quality District's Rule 336 Surface Coating Operations, submitted on or about September 17, 2021; and (8) Maricopa County Air Quality District's Rule 600 Emergency Episodes, submitted on or about December 17, 2021.

Third, on or around July 27, 2020, the State of Colorado made a SIP submission addressing the 2015 Ozone Marginal Area Certification (Base year inventory and Emission Statement). The proposed consent decree would require EPA to sign a notice of final rulemaking by December 15, 2025.

Fourth, the State of Utah made 11 SIP submissions regarding nonattainment planning requirements such as BACT, BACM, control measures, as well as redesignation requests and maintenance plans, for the Salt Lake City and Provo PM<sub>2.5</sub> Moderate and Serious nonattainment areas.<sup>1</sup> The proposed consent decree would require EPA to sign final notices of rulemaking on these SIP submissions, as well as on the following SIP submission, by December 15, 2025: Utah's SIP revision addressing Interstate Transport for 2008 Ozone—Prong 2 SIP, submitted on or around January 29, 2020.

In accordance with section 113(g) of the CAA, for a period of 30 days following the date of publication of this document, the Agency will accept written comments relating to the proposed consent decree. EPA or the Department of Justice may withdraw or withhold consent to the proposed

consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

### III. Additional Information About Commenting on the Proposed Consent Decree

Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2024-0098, via <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from this docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. For additional information about submitting information identified as CBI, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this document. Note that written comments containing CBI and submitted by mail may be delayed and deliveries or couriers will be received by scheduled appointment only.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the <https://www.regulations.gov> website to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

**Gautam Srinivasan,**

*Associate General Counsel.*

[FR Doc. 2024-04542 Filed 3-4-24; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Agency Information Collection Activities: Proposed New Information Collection; Visitor Notification; Comment Request (OMB No. 3064-NEW)

**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 Visitor Notification form, which the FDIC intends to use to collect biographical, passport (for foreign nationals), and employment information from certain visitors to the FDIC in order to assess the risk to FDIC facilities and personnel. The FDIC will require certain visitors to FDIC facilities to complete and submit the form. FDIC is seeking a new OMB Control Number for this information collection.

**DATES:** Comments must be submitted on or before May 6, 2024.

**ADDRESSES:** Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- <http://www.FDIC.gov/regulations/laws/federal/notices.html>.
- 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.

<sup>1</sup> Utah's Salt Lake City and Provo PM<sub>2.5</sub> Moderate SIP submissions under the 2006 24-hour PM<sub>2.5</sub> NAAQS, submitted on December 23, 2014 and January 19, 2017; Utah's Salt Lake City and Provo PM<sub>2.5</sub> Serious SIP submissions under the 2006 24-hour PM<sub>2.5</sub> NAAQS, submitted on April 19, 2018, January 14, 2019, and February 15, 2019; Utah's Salt Lake City and Provo PM<sub>2.5</sub> redesignation requests under the 2006 24-hour PM<sub>2.5</sub> NAAQS, submitted on January 13, 2020; Utah's SIP revision addressing R307-208 Outdoor Wood Boilers and R307-230 Water Heaters, submitted on July 21, 2020; and Utah's Part H Removal of SSM for Kennecott Power Plant Parallel Processing, submitted on December 17, 2020.

• **Hand Delivery:** Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m.

All comments should refer to “Visitor Notification Form”. 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:** The FDIC is requesting OMB approval for the following collection of information:

*Title:* Visitor Notification Form.

*OMB Number:* 3064–NEW.

*Frequency of Response:* On Occasion.

*Affected Public:* Individuals intending to enter FDIC facilities.

*Estimated Annual Burden:*

TABLE 1—SUMMARY OF ESTIMATED ANNUAL BURDEN  
[OMB No. 3064–NEW]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
1. Visitor Notification form (Mandatory) .....	Recordkeeping (Annual) .....	598	1.087	00:15	163
Total Annual Burden (Hours) .....	.....	.....	.....	.....	163

Source: FDIC.

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

**General Description of Collection:** The FDIC proposes to use the Visitor Notification form to collect biographical, passport (for foreign nationals), and employment information from certain <sup>1</sup> visitors to the FDIC in order to assess the risk to FDIC facilities and personnel. The FDIC will require certain visitors to FDIC facilities, including support staff and interpreters, to complete and submit the form. Interested members of the public may obtain a copy of the proposed Visitor Notification form at the following web page: <https://www.fdic.gov/resources/regulations/federal-register-publications/2024/visitor-notification-form.pdf>.

#### Request for Comment

**Comments are invited on:** (a) Whether the collection of information is 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 collection 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, on February 29, 2024.

**James P. Sheesley,**

*Assistant Executive Secretary.*

[FR Doc. 2024–04625 Filed 3–4–24; 8:45 am]

**BILLING CODE 6714–01–P**

#### FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064–0213; –0208]

#### 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. 3064–0213 and –0208).

**DATES:** Comments must be submitted on or before May 6, 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 7:00 a.m. and 5:00 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:* Restrictions on Qualified Financial Contracts of Subsidiaries of certain FDIC Supervised Institutions; Revisions to the Definition of Qualifying

<sup>1</sup> Excluding U.S. Government, state, local, tribal or territorial employees and those who hold a national security clearance.



Master Netting Agreement and Related Definitions.

OMB Number: 3064–0208.  
Forms: None.

Affected Public: Private Sector.  
Burden Estimate:

### SUMMARY OF ESTIMATED ANNUAL BURDEN

[OMB No. 3064–0208]

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)
Restrictions on Qualified Financial Contracts of Subsidiaries of Certain FDIC-Supervised Institutions and Applicable Subsidiaries; Revisions to the Definition of Qualifying Master Netting Agreement and Related Definitions, 12 CFR 382 (Voluntary).	Reporting (On Occasion) ...	1	1	10:00	10
Total Annual Burden (Hours) .....	.....	.....	.....	.....	10

*General Description of Collection:* Part 382 of the FDIC regulations (part 382) is necessary to give effect to such cross-default restrictions in the International Swaps and Derivatives Association, Inc. (ISDA) 2015 Universal Resolution Stay Protocol (ISDA Protocol). Part 382 requires that FDIC-supervised institutions that are subsidiaries of global systemically important banks (GSIBs) and their counterparties either adhere to the ISDA Protocol or take the prescribed steps to amend the contractual provisions of their Qualified Financial Contracts (QFCs), consistent with the requirements in the rule, within a specified period of time. If such institutions elect to amend their

QFCs in lieu of adhering to the ISDA Protocol, they must seek the FDIC's approval of the proposed amendments, giving rise to this information collection. The information collection is necessary to ensure QFCs are amended in compliance with part 382. The rule applies to FDIC-supervised institutions that are subsidiaries of GSIBs and sets forth requirements parallel to those contained in similar rules recently published by the Federal Reserve Board and the Office of the Comptroller of the Currency with regard to entities they supervise to ensure consistent regulatory treatment of QFCs among the various entities within a GSIB group. There is no change in the methodology or substance of this

information collection. The total estimated annual burden for this information collection is 10 hours, which is a decrease of 10 hours from the 2021 information collection submission (20 hours). This decrease is a result of a reduction in the estimated annual number of respondents because of the automation and standardization of business processes.

2. *Title:* Industrial Banks and Industrial Loan Companies.

OMB Number: 3064–0213.

Forms: None.

Affected Public: Insured state nonmember banks and state savings associations.

Burden Estimate:

### SUMMARY OF ESTIMATED ANNUAL BURDEN

[OMB No. 3064–0213]

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. Initial Listing of Subsidiaries, 12 CFR 354.4(a)(1) (Mandatory).	Reporting (On Occasion) ...	2	1	04:00	8
2. Annual Update of Subsidiaries List, 12 CFR 354.4(a)(1) (Mandatory).	Reporting (Annual) .....	2	1	04:00	8
3. Annual Report of Covered Company and Subsidiaries and Other Reports as the FDIC may require, 12 CFR 354.4(a)(3) (Mandatory).	Reporting (Annual) .....	2	1	10:00	20
4. Recordkeeping requirements in written agreement, 12 CFR 354.4(a)(4) (Mandatory).	Recordkeeping (Annual) ....	2	1	10:00	20
5. Contingency Plan, 12 CFR 354.4(b) (Mandatory) .....	Reporting (Annual) .....	1	1	345:00	345
Total Annual Burden (Hours) .....	.....	.....	.....	.....	401

*General Description of Collection:* Part 354 of the FDIC regulations (part 354) establishes filing requirements for industrial banks or industrial loan companies (ILCs) and companies that are not subject to Federal consolidated supervision by the Federal Reserve Board but control an industrial bank or an ILC (covered company). Specifically, part 354 requires any covered company and industrial bank or ILC subsidiary of

a covered company to enter into one or more written agreements with the FDIC. However, the requirements under part 354 do not apply to any industrial bank subsidiaries of covered companies that were subsidiaries of covered companies prior to the effective date of part 354—April 1, 2021. The requirements under part 354 give rise to this information collection.

There is no change in the methodology or substance of this information collection. The total estimated annual burden for this information collection is 401 hours, which is a decrease of 56 hours from the 2021 information collection submission (457 hours). This decrease is a result of a reduction in the estimated annual number of respondents.



**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, on February 29, 2024.

**James P. Sheesley,**

*Assistant Executive Secretary.*

[FR Doc. 2024-04580 Filed 3-4-24; 8:45 am]

**BILLING CODE 6714-01-P**

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**
**Centers for Medicare & Medicaid Services**

[Document Identifier: CMS-304 and 304a, CMS-10383]

**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 April 4, 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:* Extension of a currently approved collection; *Title of Information Collection:* Reconciliation of State Invoice (ROSI) and Prior Quarter Adjustment Statement (PQAS); *Use:* Form CMS-304 (ROSI) is used by manufacturers to respond to the state's rebate invoice for current quarter utilization. Form CMS-304a (PQAS) is required only in those instances where

a change to the original rebate data submittal is necessary. *Form Number:* CMS-304 and -304a (OMB control number: 0938-0676); *Frequency:* Quarterly; *Affected Public:* Private sector (Business or other for-profits); *Number of Respondents:* 749; *Total Annual Responses:* 5,841; *Total Annual Hours:* 248,584. (For policy questions regarding this collection contact Robert Giles at 667-290-8626.)

2. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Review and Approval Process for Waivers for State Innovation; *Use:* The information required under this collection is necessary to ensure that states comply with statutory and regulatory requirements related to the development and implementation of section 1332 waivers. States seeking waiver authority under section 1332 of the ACA are required to meet certain requirements for applications, public notice, and reporting. The authority for these requirements is found in section 1332 of the ACA. This information collection reflects the requirements provided in the final rules published in February 2012 (77 FR 11700) and September 2021 (86 FR 3412).

On October 24, 2018, the Departments published guidance (86 FR 53575) that provided supplementary information about the requirements that must be met for the approval of a section 1332 waiver, the Secretaries' application review procedures, the calculation of pass-through funding, certain analytical requirements, and operational considerations. However, the September 2021 final rule superseded and rescinded policies and interpretations outlined in the 2018 guidance and repealed the previous codification of the interpretations of the statutory guardrails in part 1 of the 2022 Payment Notice final rule (86 FR 6138). The September 2021 final rule (86 FR 53412) finalized modifications to section 1332 waiver implementing regulations, including changes to many of the policies and interpretations of the statutory guardrails codified in regulation. In addition, the September 2021 final rule modified regulations to provide flexibilities in the public notice requirements and post-award public participation requirements for section 1332 waivers under certain future emergent situations. The final rule also provided new information regarding the processes and procedures for amendments and extensions for approved waiver plans. *Form Number:* CMS-10383 (OMB Control Number 0938-1389; *Frequency:* Occasionally;

*Affected Public:* State Governments;  
*Number of Respondents:* 19; *Total Annual Responses:* 399; *Total Annual Hours:* 5,549. (For policy questions regarding this collection contact Lina Rashid at 301-492-4193.)

**William N. Parham, III**

*Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2024-04591 Filed 3-4-24; 8:45 am]

**BILLING CODE 4120-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2023-N-0894]

#### Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; The Real Cost Monthly Implementation Assessment

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

**DATES:** Submit written comments (including recommendations) on the collection of information by April 4, 2024.

**ADDRESSES:** To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function. The title of this information collection is “The Real Cost Monthly Implementation Assessment.” Also include the FDA docket number found in brackets in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:** JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-3794, [PRASStaff@fda.hhs.gov](mailto:PRASStaff@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

#### The Real Cost Monthly Implementation Assessment

OMB Control Number 0910-NEW

This information collection supports the development and implementation of FDA public education campaigns related to tobacco use. To reduce the public health burden of tobacco use in the United States and educate the public—especially young people—about the dangers of tobacco use, the FDA Center for Tobacco Products (CTP) is developing and implementing multiple public education campaigns.

FDA launched “The Real Cost” in February 2014, seeking to reduce tobacco use among at-risk teens ages 12–17 in the United States who are open to smoking cigarettes and/or using electronic nicotine delivery systems (ENDS) products, or who have already experimented with cigarettes and/or ENDS products. Complementary evaluation studies, including the “Evaluation of FDA’s Public Education Campaign on Teen Tobacco,” were implemented to measure awareness of “The Real Cost” paid media campaign among teens ages 12–17 in the United States, and to understand how awareness is related to change in key outcomes.

Although outcome evaluation studies of “The Real Cost” have and continue to assess the impact of awareness on outcomes, no studies have sought to assess the implementation of “The Real Cost.” As FDA continues to increase the presence of “The Real Cost” on digital channels (e.g., Hulu, YouTube, Instagram), the need for an implementation evaluation has become clear as these messages are received by the target audience on digital channels differently compared to how the messages are received on broadcast channels. Before the migration of campaign ads to digital channels, ads from “The Real Cost” were primarily aired on broadcast TV. In the broadcast space, for people to avoid receiving the message, they needed to be proactive (e.g., finding the remote to change the channel or leaving the room). In the digital space, however, people need to be proactive to watch the full message, like stopping scrolling on social media or watching the full ad on YouTube. Assessment of this information is integral to understanding self-reported ad awareness levels, as well as how our audience experiences and processes the ads as they are airing in a digital setting.

Therefore, we propose a study to help us understand, in a digital setting, how teens experience the messages, how they engage with messages, the extent to which teens report being exposed to

messages, and how teens process the messages. Data gathered from this assessment will also provide the necessary and timely information to optimize campaign messages, the digital media buy (i.e., where, how, and when ads are shown), and creative rotations (i.e., which ads are shown).

“The Real Cost” Monthly Implementation Assessment (MIA) is a repeated cross-sectional survey that will be conducted using web-based surveys that are self-administered on personal computers or web enabled mobile devices to collect rapid data on “The Real Cost” stimuli. Data from up to 2,000 teens in the United States will be collected each month for up to 24 months. To be eligible, participants must be between the ages of 12–20 and have not taken the MIA survey within the past 3 months. We will use an Ipsos Knowledge Panel to collect data on “The Real Cost” stimuli. This design offers flexibility to assess new stimuli messages, as they air across various digital platforms, examine their performance over time, as well as the ability to pivot and add new survey measures as necessary. Monthly data will also allow us to obtain timely information on stimuli awareness, perceived effectiveness, as well as on teen attention and processing of the stimuli.

The purpose of FDA’s “The Real Cost” is to evaluate the following key components about “The Real Cost” stimuli:

- Awareness of “The Real Cost” stimuli.
- Attention behaviors when seeing “The Real Cost” stimuli.
- Processing of “The Real Cost” stimuli, including:
  - Engagement with the stimuli.
  - Main message comprehension.
  - Acceptance and/or rejection of the stimuli.
- Perceived effectiveness of “The Real Cost” stimuli.
- Potential unintended consequences of viewing “The Real Cost” stimuli.

In addition to the above components, the survey will ask participants to report on tobacco use and other psychographic and demographic items. The time frame that the survey items will ask about for stimuli awareness (i.e., past 30 days or past week) will depend on several factors, including how long the stimuli was on air. The survey will take an average of approximately 25 minutes to complete per participant. As the survey items are tested, any irrelevant items will be cut as necessary. Stimuli creative for both vaping and cigarette products will be assessed; therefore, two similar surveys (one on ENDS-focused

stimuli and one on cigarette-focused stimuli) will be fielded as appropriate, but not within the same month.

In support of the provisions of the Tobacco Control Act that require FDA to protect the public health and to reduce tobacco use by minors, FDA requests

OMB approval to collect information to evaluate CTP's public education campaign "The Real Cost" through the MIA.

In the **Federal Register** of April 27, 2023 (88 FR 25660), FDA published a 60-day notice requesting public

comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN<sup>1</sup>

Type of respondent/activity	Number of respondents	Number of responses per respondent	Total responses	Average burden per response	Total hours
Parent Screener .....	2,338,560	1	2,338,560	0.05 (3 minutes) .....	116,928
Parent Permission .....	1,753,920	1	1,753,920	0.05 (3 minutes) .....	87,696
Invitation Emails (Respondents ages 18–20) .....	54,096	1	54,096	0.02 (1 minute) .....	1,082
Youth Assent .....	27,936	1	27,936	0.05 (3 minutes) .....	1,397
Young Adult Consent .....	20,064	1	20,064	0.05 (3 minutes) .....	1,003
Online Survey .....	48,000	1	48,000	0.42 (25 minutes) ..	20,160
Reminder Emails .....	48,000	1	48,000	0.20 (12 minutes) ..	9,600
<b>Total</b> .....					<b>237,866</b>

<sup>1</sup> There are no capital costs or operating and maintenance costs associated with this collection of information.

Data collection for the MIA will consist of administering a monthly survey to participants ages 12–20 over the course of 2 years (24 months). We expect the screening process (3 minutes per response) to yield an approximate 2.3 to 1 ratio of eligible participants. We will need to screen approximately 97,440 potential parents each month (resulting in 2,338,560 screeners) over the study period. Since the eligible age for data collection is 12 to 20 years old, we intend to screen parents of eligible youth and young adults. Parents of the youth participants determined to be eligible through the screener will provide parent permission (3 minutes per response). We estimate that 1,753,920 of the parents who complete the screener will provide their permission for their youth to complete the online survey (approximately 75 percent of the 2,338,560 screened). In addition to recruiting respondents through parents, we will send direct invitations to young adult panel members (18 to 20 years old). We anticipate that 50 percent of young adults will agree to participate. We will send 508 direct invitations a month to young adult panel members (18 to 20 years old). Eligible youth (1,753,920) will provide their assent (3 minutes per response) to participate in the online survey (25 minutes per response). Participants who are 18 to 20 years old (19 to 20 years old in Alabama and Nebraska in accordance with state law) will provide their consent (3 minutes per response) to participate in the online survey. We estimate that approximately 42 percent of the 48,000 completed surveys will come from

young adults aged 18 to 20 (aged 19 to 20 in Alabama and Nebraska).

Over the course of the study period, we intend to survey approximately 2,000 teens ages 12–20 per month for 24 months. From completed screeners, we estimate that we will obtain data from approximately 27,936 youth and 20,064 young adults. This will give us a total of 48,000 participants for the study. The survey will be repeated with a new cross-sectional sample approximately every month over a period of 24 months; however, some participants will complete more than one wave. These 48,000 respondents will receive an invitation email with a link to take the survey (4 minutes), 6 reminder emails (3 minutes each), and a thank you email (3 minutes) upon completion of the study for a total of 25 minutes for respondents to read and respond to the emails.

Several changes have been made to this information collection request since the 60-day notice was published in the **Federal Register**. These changes include (a) editing to clarify that the ad campaign is intended for "teens" not just "youth;" (b) removing the focus on video ads since the campaign may use other forms of communication to deliver its message and replacing the term "ad" with "stimuli;" (c) removing the youth screener from the burden table because parents determine the eligibility of their youth aged 12–17 (18–20 in Alabama and Nebraska in accordance with state law); (d) removing the young adult screener from the burden table, which will not be needed because young adult panel members (18–20 years old) will only receive an email invitation to complete the survey; (e) updating the burden table to reflect that we will send

direct invitations to young adult panel members (18–20 years old); (f) updating the permission, assent, and consents because of updated information on the expected sample breakdown from the sample vendor for the distribution of the sample who are 12–17 years old and 18–20 years old; and (g) removing the thank you email since that will not be a part of the data collection procedures. In addition to the implementation evaluation described above, we will also assess perceptions to proposed stimuli and potential unintended consequences in order to inform the development of future messaging.

Dated: February 28, 2024.

**Lauren K. Roth,**

*Associate Commissioner for Policy.*

[FR Doc. 2024–04526 Filed 3–4–24; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Request for Information: Nomination and Evidence-Based Review Process of the Advisory Committee on Heritable Disorders in Newborns and Children

**AGENCY:** Health Resources and Services Administration (HRSA), Department of Health and Human Services.

**ACTION:** Notice of request for public comment.

**SUMMARY:** At the request of the Advisory Committee on Heritable Disorders in Newborns and Children (ACHDNC or

Committee), HRSA is requesting input from the public on the process used by the Committee for nomination and evidence-based review of conditions that are considered for inclusion in the Recommended Uniform Screening Panel (RUSP). As an entity that advises the Secretary of Health and Human Services (Secretary) based on evidence-based information, ACHDNC periodically considers and evaluates its processes. During the November 2023 meeting, ACHDNC hosted listening sessions to learn more from stakeholders regarding their views on the process used by ACHDNC for nomination and evidence-based review of conditions. In support of this work, HRSA is seeking public input on a series of questions that will help inform the nomination and review processes.

**DATES:** Comments on this FRN should be received no later than April 4, 2024.

**ADDRESSES:** Responses must be submitted electronically as email attachments to CDR Leticia Manning, MPH, ACHDNC's Designated Federal Officer, at: [ACHDNC@hrsa.gov](mailto:ACHDNC@hrsa.gov).

**FOR FURTHER INFORMATION CONTACT:** CDR Leticia Manning, MPH, Designated Federal Officer, Maternal and Child Health Bureau, HRSA, 5600 Fishers Lane, Rockville, Maryland 20857; 301-443-8335; or [ACHDNC@hrsa.gov](mailto:ACHDNC@hrsa.gov). A copy of the ACHDNC charter may be obtained by accessing the ACHDNC website at: <https://www.hrsa.gov/advisory-committees/heritable-disorders>.

**SUPPLEMENTARY INFORMATION:** ACHDNC was established in 2003 and provides advice and recommendations to the Secretary on the development of newborn screening activities, technologies, policies, guidelines, and programs for effectively reducing morbidity and mortality in newborns and children having, or at risk for, heritable disorders. ACHDNC reviews and reports regularly on newborn and childhood screening practices, recommends improvements in the national newborn and childhood screening programs, and fulfills requirements stated in the authorizing legislation. In addition, ACHDNC's recommendations regarding inclusion of additional conditions for screening on the RUSP, following adoption by the Secretary, are evidence-informed preventive health services provided for in comprehensive guidelines supported by HRSA pursuant to section 2713 of the Public Health Service Act (42 U.S.C. 300gg-13), for which certain health insurance plans and issuers are required to provide coverage without cost-sharing. The ACHDNC meets four times

each calendar year or at the discretion of the Designated Federal Officer in consultation with the Chair.

### Responses

HRSA is seeking responses on the following questions. Responses to all questions are voluntary, and a response to each question is not required.

**Nomination Process:** The current nomination process can be found here: <https://www.hrsa.gov/advisory-committees/heritable-disorders/condition-nomination>. The Committee has already received feedback from newborn screening stakeholders on the current nomination process, and based on this feedback, the Committee is requesting that HRSA publish this notice to obtain additional public feedback on the proposed revisions to the questions addressed within the nomination package.

Please provide feedback in response to the questions on the proposed elements below (*i.e.*, the condition, newborn screening, and benefits and harms of newborn screening), including:

- (1) Whether these questions add clarity to what is required for a condition nomination package?
- (2) Whether appropriate language is used to describe the required information for each section?
- (3) Whether this question-based format makes clearer the requirements for a nomination? If not, please propose edits and/or changes to what is provided.

Please cite any available information that you may have to support your responses.

### Section I: The Condition

- (1) What is the specific condition to be screened for ("target condition") and how is it defined?
- (2) How is the condition diagnosed as part of usual clinical care? Why is the current clinical diagnostic approach inadequate?
- (3) What is the reported birth prevalence of the condition in the United States (or comparable newborn population)? Is the condition more common in certain populations?
- (4) Describe the severity of the condition when detected as part of usual clinical care.

### Section II: Newborn Screening

- (1) What testing approach(es) are you suggesting for newborn screening? Please be specific regarding the approach to screening (*e.g.*, dried-blood spot, point-of-care screening, what specimen or test). Is there one or more tiers of testing that should occur before a diagnostic referral to a clinical specialist?

- (2) How is the condition diagnosed after an at-risk child is identified through newborn screening? (*i.e.*, How does a clinical specialist confirm that an infant has the condition after referral from the newborn screening program?)

(3) What other conditions could be identified through newborn screening for the target condition as nominated? This includes phenotypes of the target condition that are *not* being nominated for newborn screening (*e.g.*, late-onset, mild variants). Will screening for the target condition identify carriers?

(4) What examples are there of screening and diagnosis for the condition at a prospective population level (*e.g.*, through state newborn screening (NBS) program or pilot studies)? Has at least one case of the condition been identified, diagnosed, and treated through a prospective population-based approach?

(5) Based on at least one example of a prospective population level study from question #4, please describe the epidemiologic elements a–e below. (Include a peer-reviewed study, if available.):

(a) The birth prevalence of the target condition.

(b) The birth prevalence of the *other* conditions that could be identified by screening.

(c) The percentage of newborns *with* the target condition who had a positive screen (*sensitivity* of NBS test).

(d) The percentage of newborns with one of the *other conditions* who were identified through newborn screening with the target condition.

(e) The percentage of newborns *without* the target condition who had a negative screen (*specificity* of NBS test).

### Section III: Benefits and Harms of Newborn Screening

(1) What is the expected *benefit* to infants and/or families for detection of the condition through newborn screening compared to clinical care identification?

(2) What is the expected *harm* to infants and/or families for detection of the condition through newborn screening compared to clinical care identification?

(3) Are there other benefits or harms that may result from implementing a state newborn screening program? (*e.g.*, false positive or negative results, infants identified with other conditions, or opportunity costs to a state public health system)

(4) What treatment and management protocols are available for newborns identified with the condition through newborn screening?

(5) What plan for longitudinal follow-up of newborns identified through newborn screening is available? For example, will there be a patient registry available for use by clinical providers or by individuals/families? For how many years would infants with the condition be followed?

*Evidence-based Review Process:* The current criteria for ACHDNC to recommend inclusion of a condition on the RUSP to the Secretary is based primarily on peer-reviewed evidence regarding the certainty that benefits of universal screening outweigh harms (“net benefit”). These criteria have been largely applied to focus on the benefits and harms to the individual child, with much less consideration of benefits and harms to the family, states, or to the public health system. Financial and opportunity costs have received less attention by ACHDNC, in part because of the lack of published evidence regarding such topics.

Below is an example of what published evidence should be considered by the Committee when conducting a condition evidence review. The Committee requests feedback regarding the example below.

When weighing certainty and net benefit of screening for a condition, the Committee should consider the full range of relevant, published, peer-reviewed evidence. Although such evidence in relation to benefits and harms to the individual child remain paramount, the Committee should also consider benefits and harms to the family and to society at large, including disproportionate impacts or disparities related to specific conditions or screening. For example, the Committee could consider evidence demonstrating benefits for the family regarding future planning (e.g., finances, geographic proximity to services, home design, etc.), earlier access to early intervention programs, or opportunity costs to the public health system. Ideally, potential harms and benefits should be supported by evidence directly relevant to the condition under review. When such evidence is lacking, Committee members could consider peer-reviewed evidence from other disorders to the extent that such evidence is considered potentially relevant to the condition under consideration.

#### Special Note to Commenters

The information obtained through this request for information (RFI) may help inform ACHDNC processes. Per the

ACHDNC Charter, the Committee has the responsibility to decide the processes for nomination, evidence review, and making recommendations regarding the RUSP. How Committee members ultimately vote on recommending a condition for inclusion on the RUSP will continue to reflect their judgment on the certainty of net benefit to the entire population of infants born in the United States.

This RFI is issued solely for information and planning purposes; it does not constitute a Request for Proposal, applications, proposal abstracts, or quotations. This RFI does not commit the U.S. government to contract for any supplies or services or make a grant or cooperative agreement award. Further, HRSA is not seeking proposals through this RFI and will not accept unsolicited proposals. HRSA will not respond to questions about the policy issues raised in this RFI. Responders are advised that the U.S. government will not pay for any information or administrative costs incurred in response to this RFI; all costs associated with responding to this RFI will be solely at the interested party's expense.

*Authority:* ACHDNC is authorized by section 1111(g) of the Public Health Service Act, 42 U.S.C. 300b–10(g), and the Federal Advisory Committee Act, 5 U.S.C. chapter 10.

**Maria G. Button,**

*Director, Executive Secretariat.*

[FR Doc. 2024–04618 Filed 3–4–24; 8:45 am]

**BILLING CODE 4165–15–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0955–0018]

### Agency Information Collection Request. 30-Day Public Comment Request

**AGENCY:** Office of the Secretary, HHS.

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

**DATES:** Comments on the ICR must be received on or before April 4, 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.

#### FOR FURTHER INFORMATION CONTACT:

Sherrette Funn, [Sherrette.Funn@hhs.gov](mailto:Sherrette.Funn@hhs.gov) or (202) 264–0041, or [PRA@HHS.GOV](mailto:PRA@HHS.GOV). When submitting comments or requesting information, please include the document identifier 0955–0018–30D and project title for reference.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Title of the Collection:* 21st Century Cures Act: Interoperability, Information Blocking, and the ONC Health IT Certification Program.

*Type of Collection:* Reinstatement without change.

*OMB No:* 0955–0018.

*Abstract:* The Department of Health and Human Services, Office of the Secretary, Office of the National Coordinator for Health IT Office of Policy, is requesting an approval by OMB for reinstatement without change which pertains to a records and information retention requirement found at 45 CFR 170.402(b)(1). The purpose and use of this records and information retention requirement is to verify, as necessary, health IT developer compliance with the ONC Health IT Certification Program (Program) requirements, including certification criteria and Conditions and Maintenance of Certification. Specifically, a health IT developer must, for a period of 10 years beginning from the date each of a developer's health IT is first certified under the Program, retain all records and information necessary that demonstrate initial and ongoing compliance with the requirements of the Program.

## ESTIMATED ANNUALIZED BURDEN TABLE

Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Health IT Developers .....	435	1	104	45,240
Total .....	435	.....	.....	45,240

**Sherrette A. Funn,**

*Paperwork Reduction Act Reports Clearance  
Officer, Office of the Secretary.*

[FR Doc. 2024-04613 Filed 3-4-24; 8:45 am]

**BILLING CODE 4150-45-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Stakeholder Listening Session in Preparation for the 77th World Health Assembly

**AGENCY:** Office of Global Affairs,  
Department of Health and Human  
Services.

**ACTION:** Notice of public listening  
session; request for comments.

**DATES:** The listening session will be held Thursday, May 2, 2024, from 10 a.m. to 12 p.m. eastern daylight time. This session is open to the public but requires RSVP to [oga.rsvp1@hhs.gov](mailto:oga.rsvp1@hhs.gov) by Friday, April 26, 2024. See RSVP section in **SUPPLEMENTARY INFORMATION** for details.

**ADDRESSES:** The session will be held virtually. Online and dial-in information will be shared with registered participants.

#### **SUPPLEMENTARY INFORMATION:**

*Purpose:* The U.S. Department of Health and Human Services (HHS) leads the U.S. delegation to the 77th World Health Assembly and will convene an informal Stakeholder Listening Session.

The Stakeholder Listening Session is designed to seek input from stakeholders and subject matter experts to help the HHS Office of Global Affairs inform and prepare for U.S. Government engagement at the World Health Assembly.

The World Health Assembly is the decision-making body of the World Health Organization (WHO). It is attended by delegations from all 194 WHO Member States. The main functions of the World Health Assembly are to determine the policies of the Organization, appoint the Director-General, supervise financial policies, and review and approve the proposed program budget. The Health Assembly is held annually in Geneva, Switzerland. Additional information

about the World Health Assembly can be found at this website: <https://www.who.int/about/governance/world-health-assembly>.

*Matters to be Discussed:* The listening session will cover items on the provisional agenda of the 77th World Health Assembly. The provisional agenda can be found at this website: [https://apps.who.int/gb/ebwha/pdf\\_files/EB154/B154\\_39-en.pdf](https://apps.who.int/gb/ebwha/pdf_files/EB154/B154_39-en.pdf).

Participation is welcome from stakeholder communities, including:

- Public health and advocacy groups
- State, local, and Tribal groups
- Private industry
- Minority health organizations
- Academic and scientific organizations, etc.

*RSVP:* Persons seeking to participate in the listening session *must register by Friday, April 26, 2024.*

*Registrants must include their full name, email address, and organization, if any, and indicate whether they are registering as a listen-only attendee or as a speaker participant to [oga.rsvp1@hhs.gov](mailto:oga.rsvp1@hhs.gov).*

Requests to participate as a speaker must include all of the following information:

1. The name and email address of the person desiring to participate
2. The organization(s) that person represents
3. The primary agenda item(s) of interest, listed in order of the speaker's priorities

**Note:** A separate listening session will be held on Thursday, April 11, 2024, to discuss the following World Health Assembly agenda items:

- 13.2 Implementation of the International Health Regulations (2005)
- 13.3 Working Group on Amendments to the International Health Regulations (2005)
- 13.4 Intergovernmental Negotiating Body to draft and negotiate a WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response

To provide comments on these agenda items, please see the corresponding **Federal Register** notice: <https://>

[www.federalregister.gov/documents/2024/02/28/2024-04080/stakeholder-listening-session-on-public-health-emergencies-preparedness-and-response-negotiations](https://www.federalregister.gov/documents/2024/02/28/2024-04080/stakeholder-listening-session-on-public-health-emergencies-preparedness-and-response-negotiations).

*Other Information:* Written comments are welcome and encouraged even if you are attending the listening session and should be emailed to [oga.rsvp1@hhs.gov](mailto:oga.rsvp1@hhs.gov) with the subject line “Written Comment Re: Stakeholder Listening Session for WHA77” by Friday, May 3, 2023.

We look forward to your comments on the 77th World Health Assembly.

Dated: February 28, 2024.

**Susan Kim,**

*Principal Deputy Assistant Secretary, Office of Global Affairs.*

[FR Doc. 2024-04525 Filed 3-4-24; 8:45 am]

**BILLING CODE 4150-38-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Neurological Disorders and Stroke; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Neurological Disorders and Stroke Special Emphasis Panel, March 19, 2024, 9 a.m. to March 19, 2024, 6 p.m., National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, which was published in the **Federal Register** on February 23, 2024, FR Doc 2024-03818, 89 FR 14080.

This notice is being amended to change the date of this one-day meeting to a two-day meeting March 19, 2024, to March 20, 2024. The meeting time remains the same. The meeting is closed to the public.

Dated: February 29, 2024.

**Lauren A. Fleck,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024-04592 Filed 3-4-24; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications/contract proposals discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel; Catalyze Enabling Technologies.

*Date:* April 2, 2024.

*Time:* 11:00 a.m. to 1:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Kristin Goltry, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 209-B, Bethesda, MD 20892, (301) 435-0297, [goltrykl@mail.nih.gov](mailto:goltrykl@mail.nih.gov)

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel; Grant Review for NHLBI K Award Recipients (R03).

*Date:* April 3, 2024.

*Time:* 10:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Nawazish Ali Naqvi, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 208-Y, Bethesda, MD 20892, (301) 827-7911, [nawazish.naqvi@nih.gov](mailto:nawazish.naqvi@nih.gov).

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI Contract Review.

*Date:* April 11, 2024.

*Time:* 1:00 p.m. to 3:30 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Keary A. Cope, Ph.D., Scientific Review Officer, Office of Scientific

Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 209-A, Bethesda, MD 20892, (301) 827-7912, [copeka@mail.nih.gov](mailto:copeka@mail.nih.gov).

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel; Neonatal Transfusion.

*Date:* April 15, 2024.

*Time:* 1:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Michael P. Reilly, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 208-Z, Bethesda, MD 20892, (301) 827-7975, [reillymp@nhlbi.nih.gov](mailto:reillymp@nhlbi.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

*Dated:* February 28, 2024.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024-04561 Filed 3-4-24; 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:* Center for Scientific Review Special Emphasis Panel; PAR-23-064 Program Projects: HIV, Antiretroviral Therapy and Drug Abuse.

*Date:* March 27, 2024.

*Time:* 10:00 a.m. to 4:00 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:* Alok Mulky, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4203, Bethesda, MD 20892, (301) 435-3566, [mulky@mail.nih.gov](mailto:mulky@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Cell and Molecular Biology.

*Date:* March 28-29, 2024.

*Time:* 9:00 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* North Bethesda Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.

*Contact Person:* Megan L. Goodall, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-8334, [megan.goodall@nih.gov](mailto:megan.goodall@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; RFA-RM-23-018: Human Virome Program: Developing novel and innovative tools to interrogate and annotate the human virome (U01 Clinical Trial Not Allowed).

*Date:* March 28, 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:* Neerja Kaushik-Basu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, (301) 435-1742, [kaushikbasun@csr.nih.gov](mailto:kaushikbasun@csr.nih.gov)

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; NIH Director's New Innovator Award Program (DP2).

*Date:* March 28-29, 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.

*Contact Person:* Sharon Isern, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 810J, Bethesda, MD 20892, (301) 435-0000, [iserns2@mail.nih.gov](mailto:iserns2@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: The Cardiovascular and Hematological Sciences.

*Date:* March 28-29, 2024.

*Time:* 9:00 a.m. to 7:30 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:* Dmitri V. Gnatenko, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 867-5309, [gnatenkod2@nih.gov](mailto:gnatenkod2@nih.gov).



*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Fellowships: Immunology and Infectious Diseases C.

*Date:* March 28–29, 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 (Virtual Meeting).

*Contact Person:* Frederique Yiannikouris, Ph.D., Scientific Review Officer, The Center for Scientific Review, The National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–3313, [frederique.yiannikouris@nih.gov](mailto:frederique.yiannikouris@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; RFA–RM–23–019: Human Virome Characterization Centers (U54 Clinical Trial Not Allowed).

*Date:* March 28–29, 2024.

*Time:* 10:00 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:* Linda MacArthur, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4187, Bethesda, MD 20892, 301–537–9986, [macarthurlh@csr.nih.gov](mailto:macarthurlh@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Bioengineering, Biodata, and Biomodeling Technologies.

*Date:* March 28, 2024.

*Time:* 10:00 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:* David R. Filpula, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6181, MSC 7892, Bethesda, MD 20892, 301–435–2902, [filpuladr@mail.nih.gov](mailto:filpuladr@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Arthritis, Connective Tissue and Skin.

*Date:* March 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:* Vanessa Dawn Sherk, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 801C, Bethesda, MD 20892, (301) 867–5309, [sherkv2@csr.nih.gov](mailto:sherkv2@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Modern Equipment for Shared-use Biomedical Research Facilities: Advancing Research-Related Operations.

*Date:* March 28–29, 2024.

*Time:* 11:00 a.m. to 9:00 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:* Subhamoy Pal, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–0926, [subhamoy.pal@nih.gov](mailto:subhamoy.pal@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Cancer Biology.

*Date:* March 28, 2024.

*Time:* 2:00 p.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:* Juraj Bies, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301 435 1256, [biesj@mail.nih.gov](mailto:biesj@mail.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 28, 2024.

**Victoria E. Townsend**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024–04559 Filed 3–4–24; 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 Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Topics in Viral Dynamics and Transmission.

*Date:* March 18, 2024.

*Time:* 2:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Contact Person:* Sharon Isern, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 810J, Bethesda, MD 20892, (301) 435–0000, [iserns2@mail.nih.gov](mailto:iserns2@mail.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(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 28, 2024.

**Victoria E. Townsend,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024–04558 Filed 3–4–24; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Drug Abuse Special Emphasis Panel; Device-Based Treatments for Substance Use Disorders.

*Date:* March 28, 2024.

*Time:* 12:00 p.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892.

*Contact Person:* Trinh T. Tran, Ph.D., Scientific Review Officer, Scientific Review Branch, Office of Extramural Policy, National Institute on Drug Abuse, National Institutes of Health, 301 North Stonestreet Avenue, Bethesda, MD 20892, (301) 827–5843, [trinh.tran@nih.gov](mailto:trinh.tran@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist



Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 28, 2024.

**Lauren A. Fleck,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024-04560 Filed 3-4-24; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Cancer Institute; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications/contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications/contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Cancer Institute Special Emphasis Panel; Epidemiology and Prevention of Infections and Related Diseases.

*Date:* April 4, 2024.

*Time:* 11 a.m. to 2 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W608, Rockville, Maryland 20850 (Virtual Meeting).

*Contact Person:* Nadeem Khan, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W608, Rockville, Maryland 20850, 240-276-5856, [nadeem.khan@nih.gov](mailto:nadeem.khan@nih.gov).

*Name of Committee:* National Cancer Institute Special Emphasis Panel; NCI Program Project (P01) Review SEP-B.

*Date:* June 6-7, 2024.

*Time:* 9:30 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W618, Rockville, Maryland 20850 (Virtual Meeting).

*Contact Person:* E. Tian, Ph.D., Scientific Review Officer, Research Program Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W618, Rockville, Maryland 20850, 240-276-6611, [tiane@mail.nih.gov](mailto:tiane@mail.nih.gov).

*Name of Committee:* National Cancer Institute Initial Review Group; Career Development Study Section (J).

*Date:* June 26-27, 2024.

*Time:* 9:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W624, Rockville, Maryland 20850 (Virtual Meeting).

*Contact Person:* Tushar Deb, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W624, Rockville, Maryland 20850, 240-276-6132, [tushar.deb@nih.gov](mailto:tushar.deb@nih.gov). (Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 29, 2024.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024-04614 Filed 3-4-24; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket ID FEMA-2024-0002; Internal Agency Docket No. FEMA-B-2406]

#### Proposed Flood Hazard Determinations

In notice document 2024-3265 beginning on page 12367 in the issue of Friday, February 16, 2024, make the following correction:

On page 12367, in the second column, under the **DATES** heading, in the second line "February 16, 2024" should read "May 16, 2024".

[FR Doc. C1-2024-03265 Filed 3-4-24; 8:45 am]

**BILLING CODE 1505-01-D**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R8-ES-2024-N015; FXES11130800000-245-FF08E00000]

#### Endangered and Threatened Species; Receipt of Recovery Permit Applications

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of permit applications; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

**DATES:** We must receive your written comments on or before April 4, 2024.

#### ADDRESSES:

*Document availability and comment submission:* Submit requests for copies of the applications and related documents and submit any comments by one of the following methods. All requests and comments should specify the applicant name(s) and application number(s) (e.g., XXXXXX or PER0001234).

- *Email:* [permitsR8ES@fws.gov](mailto:permitsR8ES@fws.gov).

- *U.S. Mail:* Susie Tharratt, Regional Recovery Permit Coordinator, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room W-2606, Sacramento, CA 95825.

#### FOR FURTHER INFORMATION CONTACT:

Susie Tharratt, via phone at 916-414-6561, or via email at [permitsR8ES@fws.gov](mailto:permitsR8ES@fws.gov). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service, invite the public to comment on applications for permits under section 10(a)(1)(A) of the Endangered Species Act, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The requested permits would allow the applicants to conduct activities intended to promote recovery of species

that are listed as endangered or threatened under the ESA.

### Background

With some exceptions, the ESA prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of "take" includes such activities as pursuing, harassing, trapping, capturing, or collecting, in addition to hunting, shooting, harming, wounding, or killing.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered or threatened

species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. These activities often include such prohibited actions as capture and collection. Our regulations implementing section 10(a)(1)(A) for these permits are found in the Code of Federal Regulations at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

### Permit Applications Available for Review and Comment

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild. The ESA requires that we invite public comment before issuing these permits. Accordingly, we invite local, State, Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies.

Application No.	Applicant, city, state	Species	Location	Take activity	Permit action
148556 .....	Deborah VanDooremolen, Las Vegas, Nevada.	<ul style="list-style-type: none"> <li>Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>).</li> <li>Yuma Ridgway's rail (<i>Rallus obsoletus yumanensis</i>).</li> </ul>	NV .....	Survey using recorded vocalizations.	Renew.
009015 .....	Jason Berkley, Chino, California.	<ul style="list-style-type: none"> <li>Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>).</li> <li>San Bernardino Merriam's kangaroo rat (<i>Dipodomys merriami parvus</i>).</li> </ul>	CA, AZ .....	Survey using recorded vocalizations, survey, capture, handle, and release.	Renew.
PER7857610 .....	Rachelle McLaughlin, San Diego, California.	<ul style="list-style-type: none"> <li>Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>).</li> </ul>	CA .....	Survey using recorded vocalizations.	New.
59592B .....	Angela Johnson, Temecula, California.	<ul style="list-style-type: none"> <li>Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>).</li> </ul>	AZ, CA, NV .....	Survey using recorded vocalizations.	Renew.
804203 .....	Stephen Myers, Moreno Valley, California.	<ul style="list-style-type: none"> <li>Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>).</li> <li>Least Bell's vireo (<i>Vireo bellii pusillus</i>).</li> </ul>	CA, NV .....	Survey using recorded vocalizations, capture, handle, band, and release.	Renew.
117947 .....	Kevin Clark, San Diego, California.	<ul style="list-style-type: none"> <li>Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>).</li> <li>Least Bell's vireo (<i>Vireo bellii pusillus</i>).</li> </ul>	CA .....	Survey using recorded vocalizations, locate and monitor nests, and remove brown-headed cowbird ( <i>Molothrus ater</i> ) eggs and chicks from parasitized nests, capture, handle, band and color-band adults, band nestlings, and release.	Renew.
203081 .....	John Labonte, Goleta, California.	<ul style="list-style-type: none"> <li>California tiger salamander (<i>Ambystoma californiense</i>), Santa Barbara County distinct population segment.</li> <li>Conservancy fairy shrimp (<i>Branchinecta conservatio</i>).</li> <li>Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>).</li> <li>Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>).</li> <li>Riverside fairy shrimp (<i>Streptocephalus woottoni</i>).</li> <li>San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>).</li> <li>El Segundo blue butterfly (<i>Euphilotes battoides allyni</i>).</li> </ul>	CA .....	Survey, pursue, capture, handle, measure, mark, release, collect tail tissue, swab, collect specimens, remove suspected hybrids, temporarily keep in captivity, euthanize hybrids, collect adult vouchers, and collect branchiopod resting eggs.	Renew.

Application No.	Applicant, city, state	Species	Location	Take activity	Permit action
53771B .....	Erin Bergman, La Mesa, California.	<ul style="list-style-type: none"> <li>• Conservancy fairy shrimp (<i>Branchinecta conservatio</i>).</li> <li>• Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>).</li> <li>• Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>).</li> <li>• Riverside fairy shrimp (<i>Streptocephalus woottoni</i>).</li> <li>• San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>).</li> <li>• Quino checkerspot butterfly (<i>Euphydryas editha quino</i>).</li> <li>• El Segundo blue butterfly (<i>Euphilotes battoides allyni</i>).</li> <li>• Mission blue butterfly (<i>Icaricia icarioides missionensis</i>).</li> <li>• Casey's June beetle (<i>Dinacoma caseyi</i>).</li> </ul>	CA .....	Survey, survey by pursuit, capture, handle, live-capture (light trap), photograph, release, collect adult vouchers, and collect branchiopod resting eggs.	Renew.
115373 .....	Darin Busby, San Diego, California.	<ul style="list-style-type: none"> <li>• Riverside fairy shrimp (<i>Streptocephalus woottoni</i>).</li> <li>• San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>).</li> <li>• Quino checkerspot butterfly (<i>Euphydryas editha quino</i>).</li> </ul>	CA .....	Survey, survey by pursuit, capture, handle, release, collect adult vouchers, and collect branchiopod resting eggs.	Renew.
72875C .....	Ian Boyd, Grass Valley, California.	<ul style="list-style-type: none"> <li>• Conservancy fairy shrimp (<i>Branchinecta conservatio</i>).</li> <li>• Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>).</li> <li>• Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>).</li> <li>• Riverside fairy shrimp (<i>Streptocephalus woottoni</i>).</li> <li>• San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>).</li> </ul>	CA .....	Survey, capture, handle, release, collect adult vouchers, and collect branchiopod resting eggs.	Renew.
835549 .....	Charles Black, San Diego, California.	<ul style="list-style-type: none"> <li>• Conservancy fairy shrimp (<i>Branchinecta conservatio</i>).</li> <li>• Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>).</li> <li>• Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>).</li> <li>• Riverside fairy shrimp (<i>Streptocephalus woottoni</i>).</li> <li>• San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>).</li> <li>• San Diego button-celery (<i>Eryngium aristulatum</i> var. <i>parishii</i>).</li> <li>• San Diego mesa-mint (<i>Pogogyne abramsii</i>).</li> <li>• California Orcutt grass (<i>Orcuttia californica</i>).</li> <li>• Willowy monardella (<i>Monardella viminea</i>).</li> </ul>	CA .....	Survey, handle, collect vouchers, collect branchiopod resting eggs, process vernal pool soil samples, and culture and hatch out branchiopod resting eggs for species identification, remove and reduce to possession from lands under Federal jurisdiction.	Renew.
038716 .....	Frank Wegscheider, Orange, California.	<ul style="list-style-type: none"> <li>• Conservancy fairy shrimp (<i>Branchinecta conservatio</i>).</li> <li>• Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>).</li> <li>• Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>).</li> <li>• Riverside fairy shrimp (<i>Streptocephalus woottoni</i>).</li> <li>• San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>).</li> </ul>	CA .....	Survey, capture, handle, release, collect adult vouchers, and collect branchiopod resting eggs.	Renew.

Application No.	Applicant, city, state	Species	Location	Take activity	Permit action
795934 .....	ICF Jones & Stokes, Sacramento, California.	<ul style="list-style-type: none"> <li>California tiger salamander (<i>Ambystoma californiense</i>), Santa Barbara County and Sonoma County distinct population segments.</li> <li>Conservancy fairy shrimp (<i>Branchinecta conservatio</i>).</li> <li>Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>).</li> <li>Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>).</li> <li>Riverside fairy shrimp (<i>Streptocephalus woottoni</i>).</li> <li>San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>).</li> </ul>	CA .....	Survey, capture, handle, swab, release, collect adult vouchers, collect branchiopod resting eggs, and process soil samples for resting egg identification.	Renew and amend.
839213 .....	David Muth, Martinez, California.	<ul style="list-style-type: none"> <li>California tiger salamander (<i>Ambystoma californiense</i>), Santa Barbara County and Sonoma County distinct population segments.</li> <li>Conservancy fairy shrimp (<i>Branchinecta conservatio</i>).</li> <li>Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>).</li> <li>Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>).</li> <li>Riverside fairy shrimp (<i>Streptocephalus woottoni</i>).</li> <li>San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>).</li> </ul>	CA .....	Survey, capture, handle, swab, release, collect adult vouchers, collect branchiopod resting eggs, and process soil samples for resting egg identification.	Renew.
02538D .....	Gregory Wattley, Templeton, California.	<ul style="list-style-type: none"> <li>Conservancy fairy shrimp (<i>Branchinecta conservatio</i>).</li> <li>Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>).</li> <li>Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>).</li> <li>Riverside fairy shrimp (<i>Streptocephalus woottoni</i>).</li> <li>San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>).</li> </ul>	CA .....	Survey, capture, handle, release, and collect adult vouchers.	Renew.
PER8760170 .....	Melanie DuBoce, Sacramento, California.	<ul style="list-style-type: none"> <li>Conservancy fairy shrimp (<i>Branchinecta conservatio</i>).</li> <li>Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>).</li> <li>Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>).</li> <li>Riverside fairy shrimp (<i>Streptocephalus woottoni</i>).</li> <li>San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>).</li> </ul>	CA .....	Survey, capture, handle, release, and collect adult vouchers.	New.
172638 .....	Kevin Livergood, Anaheim, California.	<ul style="list-style-type: none"> <li>Conservancy fairy shrimp (<i>Branchinecta conservatio</i>).</li> <li>Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>).</li> <li>Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>).</li> <li>Riverside fairy shrimp (<i>Streptocephalus woottoni</i>).</li> <li>San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>).</li> </ul>	CA .....	Survey, capture, handle, release, collect adult vouchers, and collect branchiopod resting eggs.	Renew.

Application No.	Applicant, city, state	Species	Location	Take activity	Permit action
40090B .....	Roland Knapp, Mammoth Lakes, California.	<ul style="list-style-type: none"> <li>Mountain yellow-legged frog (<i>Rana muscosa</i>) northern distinct population segment.</li> <li>Sierra Nevada yellow-legged frog (<i>Rana sierrae</i>).</li> </ul>	CA .....	Survey, capture, handle, swab, measure, collect biological samples, insert passive integrated transponder (PIT) tags, release, collect specimens for voucher and disease analysis and treatment, transport, translocate, captive rear, immunize, conduct research, transport captive reared individuals, and release.	Renew.
80906C .....	Katherine Smith, San Rafael, California.	<ul style="list-style-type: none"> <li>Salt marsh harvest mouse (<i>Reithrodontomys raviventris</i>).</li> </ul>	CA .....	Capture, handle, mark, collect hair, ear clip, ear tag, radio collar, and release.	Renew and amend.
PER0121458 .....	Donald Hardeman Jr., Cedar Hills, Texas.	<ul style="list-style-type: none"> <li>California tiger salamander (<i>Ambystoma californiense</i>), Santa Barbara County distinct population segment.</li> <li>Foothill yellow-legged frog (<i>Rana boylei</i>), South Sierra and South Coast distinct population segments.</li> </ul>	CA .....	Survey, capture, handle, swab, and release.	Amend.
PER6121753 .....	Andrew Motto, San Ramon, California.	<ul style="list-style-type: none"> <li>Foothill yellow-legged frog (<i>Rana boylei</i>), South Sierra and South Coast distinct population segments.</li> </ul>	CA .....	Survey, capture, handle, swab, and release.	New.
71409C .....	Juliana Woodruff, Benicia, California.	<ul style="list-style-type: none"> <li>California tiger salamander (<i>Ambystoma californiense</i>), Santa Barbara County and Sonoma County distinct population segments.</li> <li>Foothill yellow-legged frog (<i>Rana boylei</i>), South Sierra and South Coast distinct population segments.</li> <li>Sierra Nevada yellow-legged frog (<i>Rana sierrae</i>).</li> </ul>	CA .....	Survey, capture, handle, swab, and release.	Renew.
PER8357570 .....	Brian Parker, San Diego, California.	<ul style="list-style-type: none"> <li>Quino checkerspot butterfly (<i>Euphydryas editha quino</i>).</li> <li>Riverside fairy shrimp (<i>Streptocephalus woottoni</i>).</li> <li>San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>).</li> </ul>	CA .....	Survey, pursue, capture, handle, release, collect adult vouchers.	New.
094845 .....	Matthew Bettelheim, Concord, California.	<ul style="list-style-type: none"> <li>California tiger salamander (<i>Ambystoma californiense</i>), Santa Barbara County and Sonoma County distinct population segments.</li> </ul>	CA .....	Survey, capture, handle, swab, and release.	Renew.
PER0056759 .....	Jakob Woodall, El Cerrito, California.	<ul style="list-style-type: none"> <li>California tiger salamander (<i>Ambystoma californiense</i>), Santa Barbara County and Sonoma County distinct population segments.</li> </ul>	CA .....	Survey, capture, handle, swab, and release.	Amend.
05665B .....	Lisa Achter, Grass Valley, California.	<ul style="list-style-type: none"> <li>California tiger salamander (<i>Ambystoma californiense</i>), Santa Barbara County and Sonoma County distinct population segments.</li> </ul>	CA .....	Survey, capture, handle, swab, and release.	Renew.

Application No.	Applicant, city, state	Species	Location	Take activity	Permit action
006328 .....	Michael Drake, Tehachapi, California.	<ul style="list-style-type: none"> <li>• Tipton kangaroo rat (<i>Dipodomys nitratooides nitratooides</i>).</li> <li>• Fresno kangaroo rat (<i>Dipodomys nitratooides exilis</i>).</li> <li>• Giant kangaroo rat (<i>Dipodomys ingens</i>).</li> <li>• Morro Bay kangaroo rat (<i>Dipodomys heermanni morroensis</i>).</li> <li>• Quino checkerspot butterfly (<i>Euphydryas editha quino</i>).</li> <li>• Delhi Sands flower-loving fly (<i>Rhaphiomidas terminatus abdominalis</i>).</li> </ul>	CA .....	Survey, pursue, capture, handle, and release.	Renew.
837439 .....	Guy Bruyey, Hemet, California.	<ul style="list-style-type: none"> <li>• Quino checkerspot butterfly (<i>Euphydryas editha quino</i>).</li> <li>• Delhi Sands flower-loving fly (<i>Rhaphiomidas terminatus abdominalis</i>).</li> </ul>	CA .....	Pursue .....	Renew.
PER7020315 .....	Ronald Clark, Lakeside, California.	<ul style="list-style-type: none"> <li>• Riverside fairy shrimp (<i>Streptocephalus woottoni</i>).</li> <li>• San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>).</li> <li>• Willowy monardella (<i>Monardella viminea</i>).</li> <li>• Del Mar manzanita (<i>Arctostaphylos glandulosa</i> ssp. <i>crassifolia</i>).</li> </ul>	CA .....	Survey, capture, handle, release, collect adult vouchers, and collect branchiopod resting eggs.	New.
800777 .....	Jepson Prairie Preserve Docent Program, Davis, California.	<ul style="list-style-type: none"> <li>• Conservancy fairy shrimp (<i>Branchinecta conservatio</i>).</li> <li>• Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>).</li> <li>• Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>).</li> </ul>	CA .....	Survey, capture, handle, release, collect adult vouchers, and collect branchiopod resting eggs.	Renew.
091012 .....	Molly Goble, San Ramon, California.	<ul style="list-style-type: none"> <li>• California tiger salamander (<i>Ambystoma californiense</i>), Santa Barbara County and Sonoma County distinct population segments.</li> </ul>	CA .....	Survey, capture, handle, swab, and release.	Renew.
PER8717669 .....	Mello Dee Hrdlicka, Riverside, California.	<ul style="list-style-type: none"> <li>• San Bernardino Merriam's kangaroo rat (<i>Dipodomys merriami parvus</i>).</li> </ul>	CA .....	Survey, capture, handle, and release.	New.
068745 .....	Jeffrey Wilcox, Vallejo, California.	<ul style="list-style-type: none"> <li>• Foothill yellow-legged frog (<i>Rana boylei</i>), South Sierra and South Coast distinct population segments.</li> </ul>	CA .....	Survey, capture, handle, swab, collect tail tissue, mark with passive integrated transponder (PIT) tag and visual implant elastomer (VIE), attach radio transmitters, release, and conduct training workshops for.	Amend.
012137 .....	U.S. Army Garrison Fort Hunter Liggett, Fort Hunter Liggett, California.	<ul style="list-style-type: none"> <li>• Conservancy fairy shrimp (<i>Branchinecta conservatio</i>).</li> <li>• Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>).</li> <li>• Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>).</li> <li>• Riverside fairy shrimp (<i>Streptocephalus woottoni</i>).</li> <li>• San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>).</li> <li>• Least Bell's vireo (<i>Vireo bellii pusillus</i>).</li> <li>• Foothill yellow-legged frog (<i>Rana boylei</i>), South Coast distinct population segment.</li> </ul>	CA .....	Survey, capture, band, handle, photograph, collect tail tip or salvaged tissue samples, head-start tadpoles in situ, rescue, transport, temporarily keep in captivity, release, collect adult vouchers, and collect branchiopod resting eggs.	Renew and amend.

Application No.	Applicant, city, state	Species	Location	Take activity	Permit action
085026 .....	Jeff Steinman, San Francisco, California.	<ul style="list-style-type: none"> <li>Least Bell's vireo (<i>Vireo bellii pusillus</i>).</li> <li>Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>).</li> </ul>	AZ, CA .....	Survey using recorded vocalizations, locate and monitor nests, and remove brown-headed cowbird ( <i>Molothrus ater</i> ) eggs and chicks from parasitized nests.	Amend.
PER8721022 .....	Shane Emerson, Sacramento, California.	<ul style="list-style-type: none"> <li>Conservancy fairy shrimp (<i>Branchinecta conservatio</i>).</li> <li>Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>).</li> <li>Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>).</li> <li>Riverside fairy shrimp (<i>Streptocephalus woottoni</i>).</li> <li>San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>).</li> <li>California tiger salamander (<i>Ambystoma californiense</i>), Santa Barbara County and Sonoma County distinct population segments.</li> </ul>	CA .....	Survey, capture, handle, swab, release, and collect adult vouchers.	New.

### Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of be made available for public disclosure in their entirety.

### Next Steps

If we decide to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

### Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

### Rachel Henry,

Acting Regional Ecological Services Program Manager, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2024-04627 Filed 3-4-24; 8:45 am]

BILLING CODE 4333-15-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[BLM\_ID\_FRN\_MO4500177867]

### Call for Nominations to the Idaho Resource Advisory Council

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of call for nominations.

**SUMMARY:** The purpose of this notice is to request public nominations to the Bureau of Land Management (BLM) Idaho Resource Advisory Council (RAC). The RACs provide advice and recommendations to the BLM on land use planning and management of the National System of Public Lands within their geographic areas.

**DATES:** All nominations must be received no later than April 4, 2024.

**ADDRESSES:** Nominations and completed applications should be sent to the BLM office listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

**FOR FURTHER INFORMATION CONTACT:** MJ Byrne, BLM Idaho State Office, 1387 S. Vinnell Way, Boise, ID 83709; telephone: (208) 373-4006; email: [mbyrne@blm.gov](mailto:mbyrne@blm.gov).

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make

international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:** The Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and addressing issues related to management of lands administered by the BLM. Section 309 of FLPMA (43 U.S.C. 1739) directs the Secretary to establish 10- to 15-member citizen-based advisory councils that are consistent with the Federal Advisory Committee Act (FACA). As required by FACA, RAC membership must be balanced and representative of the various interests concerned with the management of the public lands. The rules governing RACs are found at 43 CFR subpart 1784 and include the following three membership categories:

**Category One**—Holders of Federal grazing permits or leases within the area for which the RAC is organized; represent interests associated with transportation or rights-of-way; represent developed outdoor recreation, off-highway vehicle users, or commercial recreation activities; represent the commercial timber industry; or represent energy and mineral development.

**Category Two**—Representatives of nationally or regionally recognized environmental organizations; dispersed recreational activities; archaeological and historical interests; or nationally or regionally recognized wild horse and burro interest groups.

**Category Three**—Hold State, county, or local elected office; are employed by a State agency responsible for the

management of natural resources, land, or water; represent Indian Tribes within or adjacent to the area for which the RAC is organized; are employed as academicians in natural resource management or the natural sciences; or represent the affected public at large.

Individuals may nominate themselves or others. Nominees must be residents of the state of Idaho. The BLM will evaluate nominees based on their education, training, experience, and knowledge of the geographic area of the RAC. Nominees should demonstrate a commitment to collaborative resource decision-making.

The following must accompany all nominations:

- A completed RAC application, which can either be obtained through your local BLM office or online at: [https://www.blm.gov/sites/blm.gov/files/1120-019\\_0.pdf](https://www.blm.gov/sites/blm.gov/files/1120-019_0.pdf)
- Letters of reference from represented interests or organizations; and
- Any other information that addresses the nominee's qualifications.

Simultaneous with this notice, BLM Idaho will issue a press release providing additional information for submitting nominations.

Before including any address, phone number, email address, or other personal identifying information in the application, nominees should be aware this information may be made publicly available at any time. While the nominee may ask to withhold the personal identifying information from public review, the BLM cannot guarantee that it will be able to do so.

(Authority: 43 CFR 1784.4–1)

**Karen Kelleher,**  
BLM Idaho State Director.

[FR Doc. 2024–04568 Filed 3–4–24; 8:45 am]

**BILLING CODE 4331–19–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Ocean Energy Management

[OMB Control Number 1010–0057; Docket ID: BOEM–2023–0004]

#### Agency Information Collection Activities; Pollution Prevention and Control

**AGENCY:** Bureau of Ocean Energy Management, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Bureau of Ocean Energy Management (BOEM) proposes this information collection request (ICR) to renew Office

of Management and Budget (OMB) control number 1010–0057.

**DATES:** Comments must be received by the OMB desk officer no later than April 4, 2024.

**ADDRESSES:** Submit your written comments on this ICR to the OMB's desk officer for the Department of the Interior at [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). From the [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain) landing page, find this information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function. Please provide a copy of your comments by parcel delivery service or U.S. mail to the BOEM Information Collection Clearance Officer, Anna Atkinson, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia 20166; or by email to [anna.atkinson@boem.gov](mailto:anna.atkinson@boem.gov). Please reference OMB Control Number 1010–0057 in the subject line of your comments. You may also comment by searching the docket number “BOEM–2023–0004” at [www.regulations.gov](http://www.regulations.gov).

#### FOR FURTHER INFORMATION CONTACT:

Anna Atkinson by email at [anna.atkinson@boem.gov](mailto:anna.atkinson@boem.gov), or by telephone at 703–787–1025. 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 of the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995, BOEM provides the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps BOEM assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand BOEM's information collection requirements and provide the requested data in the desired format.

*Title of Collection:* 30 CFR part 550, subpart C, “Pollution Prevention and Control.”

*Abstract:* This ICR concerns the paperwork requirements in the regulations at 30 CFR part 550, subpart C, “Pollution Prevention and Control.”

Section 5(a) of the Outer Continental Shelf Lands Act (OCSLA), as amended (43 U.S.C. 1334(a)), authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations to

manage the energy and mineral resources of the Outer Continental Shelf (OCS). Such rules and regulations apply to all operations conducted under a lease, right-of-use and easement, and pipeline right-of-way.

Section 5(a)(8) of OCSLA requires that regulations prescribed by the Secretary include provisions “for compliance with the national ambient air quality standards pursuant to the Clean Air Act (42 U.S.C. 7401 *et seq.*), to the extent that activities authorized under this subchapter significantly affect the air quality of any State.” This information collection renewal concerns information that is submitted to BOEM under 30 CFR part 550, subpart C, “Pollution Prevention and Control,” which implements section 5(a)(8), and under related notices to lessees and operators (NTLs), which clarify and provide additional, nonbinding guidance on aspects of the regulations. BOEM uses this information to inform its decisions on plan approval, to ensure operations are conducted according to all applicable regulations and plan conditions of approval, and to inform State and regional planning organizations' modeling efforts.

BOEM prepares an emission inventory every 3 years to help ensure that its regulations comply with section 5(a)(8) of OCSLA and to implement the requirements at 30 CFR 550.303(k) and 550.304(g). These emission inventories provide the essential input that BOEM needs to assess the impacts of OCS oil and gas activity on the States as mandated by OCSLA. Also, these inventories provide the States with essential information needed to perform their implementation plan demonstrations to the U.S. Environmental Protection Agency (EPA). Finally, these inventories provide operators with essential data for their mandatory reporting of greenhouse gases to the EPA.

BOEM began planning for the 2023 OCS emissions inventory by issuing NTL No. 2022–N01 on October 1, 2022. The NTL provided guidance to lessees and operators on submitting information about their facility operations, as required by OCSLA and BOEM's regulations, through BOEM's web-based emissions reporting tool, the Air Quality System (AQS). AQS allows operators to submit their facility activity data electronically into the system, instantaneously calculates monthly and annual emissions, assures and controls data quality, generates reports such as emission inventory reports, and creates data graphics including geographic information system maps for operators and BOEM. AQS makes it easy for users



to enter activity data, calculate emissions data in real-time, and leverage built-in validation features to quality check calculations prior to submission.

*OMB Control Number:* 1010–0057.

*Form Number:* None.

*Type of Review:* Extension of a currently approved information collection.

*Respondents/Affected Public:*

Potential respondents comprise Federal OCS oil, gas, and sulfur permittees or notice filers.

*Total Estimated Number of Annual Responses:* 807 responses.

*Total Estimated Number of Annual Burden Hours:* 51,080 hours.

*Respondent's Obligation:* Required to retain or obtain a benefit.

*Frequency of Collection:* Every 3 years.

*Total Estimated Annual Non-hour Burden Cost:* None.

A **Federal Register** notice with a 60-day public comment period on the proposed ICR was published on September 15, 2023 (88 FR 63613). BOEM did not receive any comments.

BOEM is again soliciting comments on the proposed ICR. BOEM is especially interested in public comments addressing the following issues: (1) is the collection necessary to the proper functions of BOEM; (2) what can BOEM do to ensure that this information is processed and used in a timely manner; (3) is the burden estimate accurate; (4) how might BOEM enhance the quality, utility, and clarity of the information to be collected; and (5) how might BOEM minimize the burden of this collection on the respondents, including minimizing the burden through the use of information technology?

Comments submitted in response to this notice are a matter of public record and will be available for public review on [www.reginfo.gov](http://www.reginfo.gov). BOEM will include or summarize each comment in its ICR to OMB for approval of this information collection. You should be aware that your entire comment—including your address, phone number, email address, or other personally identifiable information included in your comment—may be made publicly available at any time.

For BOEM to consider withholding from disclosure your personally identifiable information, you must identify, in a cover letter, any information contained in your comment that, if released, would constitute a clearly unwarranted invasion of your personal privacy. You must also briefly describe any possible harmful consequences of the disclosure of

information, such as embarrassment, injury, or other harm.

Even if BOEM withholds your personally identifiable information in the context of this ICR, your comment is subject to the Freedom of Information Act (FOIA). Your information will only be withheld if a determination is made that one of the FOIA exemptions to disclosure applies. Such a determination will be made in accordance with the Department's FOIA regulations (43 CFR part 2) and applicable law.

BOEM will make available for public inspection all comments in their entirety (except privileged or confidential information) submitted by organizations and businesses, or by individuals identifying themselves as representatives of organizations or businesses). BOEM protects privileged and confidential information in accordance with FOIA and DOI's implementing regulations.

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.*).

**Karen Thundiyil,**

*Chief, Office of Regulations, Bureau of Ocean Energy Management.*

[FR Doc. 2024–04553 Filed 3–4–24; 8:45 am]

**BILLING CODE 4340–98–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Ocean Energy Management

**[OMB Control Number 1010–0082; Docket ID: BOEM–2024–0007]**

#### Agency Information Collection Activities; Leasing of Minerals Other Than Oil, Gas, and Sulphur in the Outer Continental Shelf

**AGENCY:** Bureau of Ocean Energy Management, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Bureau of Ocean Energy Management (BOEM) proposes this information collection request (ICR) to renew Office of Management and Budget (OMB) control number 1010–0082.

**DATES:** Comments must be received by BOEM no later than May 6, 2024.

**ADDRESSES:** Send your comments on this ICR by mail to the BOEM Information Collection Clearance

Officer, Anna Atkinson, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia 20166; or by email to [anna.atkinson@boem.gov](mailto:anna.atkinson@boem.gov). Please reference OMB control number 1010–0082 in the subject line of your comments. You may comment on the ICR and view related documents by searching the docket number “BOEM–2024–0007” at <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Anna Atkinson by email at [anna.atkinson@boem.gov](mailto:anna.atkinson@boem.gov), or by telephone at 703–787–1025. 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 of the United States should use the relay services offered within their country to make international calls to the point of contact in the United States.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995, BOEM provides the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps BOEM assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand BOEM's information collection requirements and provide the requested data in the desired format.

BOEM is soliciting comments on the proposed ICR described below. BOEM is especially interested in public comments addressing the following issues: (1) is the collection necessary to the proper functions of BOEM; (2) what can BOEM do to ensure that this information is processed and used in a timely manner; (3) is the burden estimate accurate; (4) how might BOEM enhance the quality, utility, and clarity of the information to be collected; and (5) how might BOEM minimize the burden of this collection on the respondents, including minimizing the burden through the use of information technology?

Comments submitted in response to this notice are a matter of public record. BOEM will include or summarize each comment on its ICR to OMB for approval of this information collection. You should be aware that your entire comment—including your address, phone number, email address, or other personally identifiable information included in your comment—may be made publicly available at any time. Even if BOEM withholds your

personally identifiable information in the context of this ICR, your comment is subject to the Freedom of Information Act (FOIA) (5 U.S.C. 552). Your information will only be withheld if a determination is made that one of the FOIA exemptions to disclosure applies. Such a determination will be made in accordance with the DOI's FOIA implementing regulations (43 CFR part 2) and applicable law.

In order for BOEM to consider withholding from disclosure your personal identifying information, you must identify, in a cover letter, any information contained in the submittal of your comments that, if released, would constitute a clearly unwarranted invasion of your personal privacy. You must also briefly describe any possible harmful consequences of the disclosure of information, such as embarrassment, injury, or other harm. Note that BOEM will make available for public inspection, in their entirety, all comments submitted by organizations and businesses, or by individuals identifying themselves as representatives of organizations or businesses.

BOEM protects proprietary information in accordance with the Freedom of Information Act (5 U.S.C. 552), Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1352(c)), and the Department of the Interior's (DOI) implementing regulations (43 CFR part 2 and 30 CFR part 581).

**Title of Collection:** 30 CFR part 581, "Leasing of Minerals Other Than Oil, Gas, and Sulphur in the Outer Continental Shelf."

**Abstract:** The OCS Lands Act (Act), as amended (43 U.S.C. 1334 and 43 U.S.C. 1337(k)), authorizes the Secretary of the Interior (Secretary) to administer OCS leasing and to prescribe the necessary regulations to do so. The Act authorizes the Secretary to lease any mineral other than oil, gas, and sulphur, subject to royalty, rental, and other terms and conditions that the Secretary may prescribe at the time of the lease offer.

Regulations at 30 CFR part 581 implement these statutory requirements. BOEM has not conducted any OCS leasing activity for minerals other than oil, gas, or sulphur in many years. Consequently, BOEM has not generally collected information under this part of its regulations. However, BOEM recognizes that the potential for such information collection exists under part 581. Therefore, BOEM seeks OMB renewal of the part 581 information collection.

BOEM will use the information required by 30 CFR part 581 to determine if statutory requirements are met prior to the issuance of a lease. Specifically, BOEM will use the information to:

- Evaluate the area and minerals requested by the applicant to assess the viability of offering leases for sale;
- Request States to establish a joint task force to assess the proposed action;
- Ensure excessive overriding royalty interests are not created that would put economic constraints on all parties involved;
- Document that a leasehold or geographical subdivision has been surrendered by the record title holder; and

- Determine if activities on the proposed lease area(s) will have a significant impact on the environment.

**OMB Control Number:** 1010-0082.

**Form Number:** None.

**Type of Review:** Renewal of a currently approved collection.

**Respondents and Affected Public:** As there are no active respondents, BOEM estimates the potential annual number of respondents to be one. Potential respondents are OCS lease requestors, State governments, and OCS mineral lessees.

**Total Estimated Number of Annual Responses:** 11 responses.

**Total Estimated Number of Annual Burden Hours:** 1,004 hours.

**Respondent's Obligation:** Required to retain or obtain a benefit.

**Frequency of Collection:** On occasion.

**Total Estimated Annual Non-hour Burden Cost:** \$50 non-hour cost burden.

The following table details the individual information collection components and respective hour burden estimates of this ICR. The current approved annual burden hours are equal to 984 hours and the annual responses are equal to 10. This information collection request increases burdens to 1,004 and annual responses to 11 due to the potential of tie bids. Tie bids requirements would involve more than one respondent, so BOEM plans to increase this by one response and 20 annual burden hours. BOEM assumed that respondents perform certain requirements in the normal course of their activities. BOEM considers such requirements to be usual and customary and took that into account in estimating the burden.

**BURDEN TABLE**

Citation 30 CFR 581	Reporting and/or recordkeeping requirements *	Hour burden	Average number of annual reponses	Annual burden hours
		Non-hour cost burden(s) *		
Subpart A—General				
6 .....	Appeal decisions .....	Exempt under 5 CFR 1320.4(a)(2), (c).		0
9 .....	Governor of affected State initiates negotiations on jurisdictional controversy, etc., and enters agreement with BOEM.	16	1 request .....	16
Subtotal .....			1 response .....	16
Subpart B—Leasing Procedures				
11(a), (c) .....	Submit request for approval for mineral lease with required information .....	60	1 request .....	60
12 .....	Submit response to Call for Information and Interest on areas for leasing of minerals (other than oil, gas, or sulphur) in accordance with approved lease program, including information from States/local governments, industry, Federal agencies.	Not considered IC as defined in 5 CFR 1320.3(h)(4).		0
13; 16 .....	States or local governments establish task force; submit comments/recommendations on planning, coordination, consultation, and other issues that may contribute to the leasing process.	200	1 comment .....	200

## BURDEN TABLE—Continued

Citation 30 CFR 581	Reporting and/or recordkeeping requirements *	Hour burden	Average number of annual reponses	Annual burden hours
16 .....	Submit suggestions and relevant information in response to request for comments on the proposed leasing notice, including information from States/local governments.	Not considered IC as defined in 5 CFR 1320.3(h)(4).		0
18; 20(e), (f); 26(a), (b) .....	Submit bids (oral or sealed) and required information .....	250	1 response .....	250
18(b)(3), (c); 20 (e), (f) .....	Tie bids—submit oral bids for highest bidder .....	20	2 responses .....	40
20(a), (b), (c); 41(a) .....	Establish a company file for qualification, submit updated information, submit quali- fications for lessee/bidder and required information.	58	1 response .....	58
21(a); 47(c) .....	Request for reconsideration of bid rejection/cancellation .....	Not considered IC per 5 CFR 1320.3(h)(9).		0
21(b), (e); 23; 26(e), (i); 40(b); 41.	Execute lease (includes submission of evidence of authorized agent and request for dating of leases); maintain auditable records re 30 CFR Chapter II, Subchapter A— [burden under ONRR requirements].	100	1 lease .....	100
Subtotal .....		7 responses .....		708
Subpart C—Financial Considerations				
31(b); 41 .....	File application and required information for assignment or transfer for approval .....	160	1 application .....	160
		\$50 required or non-required filing document fee × 1 = \$50.		
32(b), (c) .....	File application for waiver, suspension, or reduction and required documentation .....	80	1 application .....	80
33; 41(c) .....	Submit surety or personal bond .....	Burden covered under 1010– 0081.		0
Subtotal .....		2 responses .....		240
		\$50 non-Hour Cost Burden.		
Subpart E—Termination of Leases				
46 .....	File written request for relinquishment .....	40	1 response .....	40
Total Burden .....		11 responses .....		1,004
		\$50 Non-Hour Cost Burden.		

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.*).

**Karen Thundiyil,**

Chief, Office of Regulations, Bureau of Ocean Energy Management.

[FR Doc. 2024–04554 Filed 3–4–24; 8:45 am]

**BILLING CODE 4340–98–P**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 245S180110; S2D2S SS08011000 SX064A000 24XS501520; OMB Control Number 1029–0103]

### Submission to the Office of Management and Budget for Review and Approval; Certification and Noncoal Reclamation

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are proposing to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before May 6, 2024.

**ADDRESSES:** Send your comments on this information collection request (ICR) by mail to Mark Gehlhar, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 1544–MIB, Washington, DC 20240, or by email to [mgehlhar@osmre.gov](mailto:mgehlhar@osmre.gov). Please reference OMB Control Number 1029–0103 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Mark Gehlhar by email at [mgehlhar@osmre.gov](mailto:mgehlhar@osmre.gov), or by telephone at 202–208–2716. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995 (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.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) is the collection necessary to the proper functions of the agency; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the agency enhance the quality, utility, and clarity of the information to be collected; and (5) how might the agency minimize the burden of this collection on the respondents, including through the use 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 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:** This Part establishes procedures and requirements for a Governor of a State or equivalent head of an Indian tribe to certify to the Secretary that the State/Indian tribe has achieved all known coal related reclamation objectives. It also established procedures for States and Indian tribes to implement a noncoal reclamation program as set forth in section 411 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

**Title of Collection:** Certification and Noncoal Reclamation.

**OMB Control Number:** 1029–0103.

**Form Number:** None.

**Type of Review:** Extension of a currently approved collection.

**Respondents/Affected Public:** State and Tribal governments.

**Total Estimated Number of Annual Respondents:** 1.

**Total Estimated Number of Annual Responses:** 1.

**Estimated Completion Time per Response:** 84 hours.

**Total Estimated Number of Annual Burden Hours:** 84.

**Respondent's Obligation:** Required to obtain or retain a benefit.

**Frequency of Collection:** One time.

**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.*).

**Mark J. Gehlhar,**

*Information Collection Clearance Officer,  
Office of Surface Mining Reclamation and Enforcement.*

[FR Doc. 2024–04646 Filed 3–4–24; 8:45 am]

**BILLING CODE 4310–05–P**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

**[S1D1S SS08011000 SX064A000  
245S180110; S2D2S SS08011000  
SX064A000 24XS501520; OMB Control  
Number 1029–0129]**

### Submission to the Office of Management and Budget for Review and Approval; Reclamation Awards

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are proposing to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before May 6, 2024.

**ADDRESSES:** Send your comments on this information collection request (ICR) by mail to Mark Gehlhar, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 1544–MIB, Washington, DC 20240, or by email to [mgehlhar@osmre.gov](mailto:mgehlhar@osmre.gov). Please reference OMB Control Number 1029–0129 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about

this ICR, contact Mark Gehlhar by email at [mgehlhar@osmre.gov](mailto:mgehlhar@osmre.gov), or by telephone at 202–208–2716. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995 (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.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) is the collection necessary to the proper functions of the agency; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the agency enhance the quality, utility, and clarity of the information to be collected; and (5) how might the agency minimize the burden of this collection on the respondents, including through the use 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 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:** Since 1986, the Office of Surface Mining Reclamation and Enforcement has presented awards to coal mine operators who completed exemplary active reclamation. A parallel

award program for abandoned mine land reclamation began in 1992. The objective is to give public recognition to those responsible for the nation's most outstanding achievement in environmentally sound surface mining and land reclamation and to encourage the exchange and transfer of successful reclamation technology.

*Title of Collection:* Reclamation Awards.

*OMB Control Number:* 1029–0129.

*Form Number:* None.

*Type of Review:* Extension of a currently approved collection.

*Respondents/Affected Public:* Businesses and State governments.

*Total Estimated Number of Annual Responses:* 46.

*Total Estimated Number of Annual Responses:* 46.

*Estimated Completion Time per Response:* Varies from 2 hour to 65 hours, depending on activity.

*Total Estimated Number of Annual Burden Hours:* 882.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* One time.

*Total Estimated Annual Nonhour Burden Cost:* \$2,800.

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.*).

**Mark J. Gehlhar,**

*Information Collection Clearance Officer,  
Office of Surface Mining Reclamation and  
Enforcement.*

[FR Doc. 2024–04643 Filed 3–4–24; 8:45 am]

**BILLING CODE 4310–05–P**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000  
245S180110; S2D2S SS08011000  
SX064A000 24XS501520; OMB Control  
Number 1029–0111]

### Submission to the Office of Management and Budget for Review and Approval; Areas Designated by Act of Congress

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining

Reclamation and Enforcement (OSMRE), are proposing to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before May 6, 2024.

**ADDRESSES:** Send your comments on this information collection request (ICR) by mail to Mark Gehlhar, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 1544–MIB, Washington, DC 20240, or by email to [mgehlhar@osmre.gov](mailto:mgehlhar@osmre.gov). Please reference OMB Control Number 1029–0111 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Mark Gehlhar by email at [mgehlhar@osmre.gov](mailto:mgehlhar@osmre.gov), or by telephone at 202–208–2716. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995 (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.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) is the collection necessary to the proper functions of the agency; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the agency enhance the quality, utility, and clarity of the information to be collected; and (5) how might the agency minimize the burden of this collection on the respondents, including through the use 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 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:** OSMRE and State regulatory authorities use the information collected for 30 CFR 761 to ensure that persons planning to conduct surface coal mining operations on the lands protected by section 522(e) of the Surface Mining Control and Reclamation Act of 1977 have the right to do so under one of the exemptions or waivers provided by this section of the Act.

*Title of Collection:* Areas Designated by Act of Congress.

*OMB Control Number:* 1029–0111.

*Form Number:* None.

*Type of Review:* Extension of a currently approved collection.

*Respondents/Affected Public:* Businesses and State governments.

*Total Estimated Number of Annual Responses:* 183.

*Total Estimated Number of Annual Responses:* 279.

*Estimated Completion Time per Response:* Varies from 1 hour to 40 hours, depending on activity.

*Total Estimated Number of Annual Burden Hours:* 2,795.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* One time.

*Total Estimated Annual Nonhour Burden Cost:* \$17,100.

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.*).

**Mark J. Gehlhar,**

*Information Collection Clearance Officer,  
Office of Surface Mining Reclamation and  
Enforcement.*

[FR Doc. 2024–04635 Filed 3–4–24; 8:45 am]

**BILLING CODE 4310–05–P**

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–692 and 731–TA–1628 (Final)]

### Certain Pea Protein From China; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701–TA–692 and 731–TA–1628 (Final) pursuant to the Tariff Act of 1930 (“the Act”) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of certain pea protein from China, provided for in subheadings 3504.00.10, 3504.00.50, and 2106.10.00 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce (“Commerce”) to be subsidized and sold at less-than-fair-value.

**DATES:** February 13, 2024.

**FOR FURTHER INFORMATION CONTACT:** Lawrence Jones (202–205–3358), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission’s TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these investigations may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

#### SUPPLEMENTARY INFORMATION:

**Scope.**—For purposes of these investigations, Commerce has defined the subject merchandise as high protein content (HPC) pea protein, which is a protein derived from peas (including, but not limited to, yellow field peas and green field peas) and which contains at least 65 percent protein on a dry weight basis. HPC pea protein may also be identified as, for example, pea protein concentrate, pea protein isolate,

hydrolyzed pea protein, pea peptides, and fermented pea protein. Pea protein, including HPC pea protein, has the Chemical Abstracts Service (CAS) registry number 222400–29–5.

The scope covers HPC pea protein in all physical forms, including all liquid (e.g., solution) and solid (e.g., powder) forms, regardless of packaging or the inclusion of additives (e.g., flavoring, suspension agents, preservatives).

The scope also includes HPC pea protein described above that is blended, combined, or mixed with non-subject pea protein or with other ingredients (e.g., proteins derived from other sources, fibers, carbohydrates, sweeteners, and fats) to make products such as protein powders, dry beverage blends, and protein fortified beverages. For any such blended, combined, or mixed products, only the HPC pea protein component is covered by the scope of this investigation. HPC pea protein that has been blended, combined, or mixed with other products is included within the scope, regardless of whether the blending, combining, or mixing occurs in third countries.

HPC pea protein that is otherwise within the scope is covered when commingled (i.e., blended, combined, or mixed) with HPC pea protein from sources not subject to this investigation. Only the subject component of the commingled product is covered by the scope.

A blend, combination, or mixture is excluded from the scope if the total HPC pea protein content of the blend, combination, or mixture (regardless of the source or sources) comprises less than five percent of the blend, combination, or mixture on a dry weight basis.

All products that meet the written physical description are within the scope of the investigation unless specifically excluded. The following products, by way of example, are outside and/or specifically excluded from the scope of the investigation:

- burgers, snack bars, bakery products, sugar and gum confectionary products, milk, cheese, baby food, sauces and seasonings, and pet food, even when such products are made with HPC pea protein;
- HPC pea protein that has gone through an extrusion process to alter the HPC pea protein at the structural and functional level, resulting in a product with a fibrous structure which resembles muscle meat upon hydration. These products are commonly described as textured pea protein or texturized pea protein;
- HPC pea protein that has been further processed to create a small

crunchy nugget commonly described as a pea protein crisp;

- protein derived from chickpeas.

The merchandise covered by the scope is currently classified under Harmonized Tariff Schedule of the United States (HTSUS) categories 3504.00.1000, 3504.00.5000, and 2106.10.0000. Such merchandise may also enter the U.S. market under HTSUS category 2308.00.9890. Although HTSUS categories and the CAS registry number are provided for convenience and customs purposes, the written description of the scope of the investigation is dispositive.

**Background.**—The final phase of these investigations is being scheduled pursuant to sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)), as a result of affirmative preliminary determinations by Commerce that certain benefits which constitute subsidies within the meaning of § 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in China of pea protein, and that such products are being sold in the United States at less than fair value within the meaning of § 733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on July 12, 2023, by PURIS Proteins, LLC, Minneapolis, Minnesota.

For further information concerning the conduct of this phase of the investigations, hearing procedures, 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 and C (19 CFR part 207).

**Participation in the investigations and public service list.**—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission’s rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Please note the Secretary’s Office will accept only electronic filings during this time. Filings must be made through the Commission’s Electronic Document

Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

**Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.**—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

**Staff report.**—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on June 11, 2024, and a public version will be issued thereafter, pursuant to § 207.22 of the Commission's rules.

**Hearing.**—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on Tuesday, June 25, 2024. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before Wednesday, June 19, 2024. Any requests to appear as a witness via videoconference must be included with your request to appear. Requests to appear via videoconference must include a statement explaining why the witness cannot appear in person; the Chairman, or other person designated to conduct the investigation, may in their discretion for good cause shown, grant such a request. Requests to appear as remote witness due to illness or a positive COVID-19 test result may be submitted by 3 p.m. the business day prior to the hearing. Further information about participation in the hearing will be posted on the Commission's website at <https://www.usitc.gov/calendarpad/calendar.html>.

A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference, if deemed necessary, to be held at 9:30 a.m. on

Thursday, June 20, 2024. Parties shall file and serve written testimony and presentation slides in connection with their presentation at the hearing by no later than 4 p.m. on June 24, 2024. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

**Written submissions.**—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.23 of the Commission's rules; the deadline for filing is June 18, 2024. Parties shall also file written testimony in connection with their presentation at the hearing, and posthearing briefs, which must conform with the provisions of § 207.25 of the Commission's rules. The deadline for filing posthearing briefs is July 2, 2024. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before July 2, 2024. On July 19, 2024, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before July 23, 2024, but such final comments must not contain new factual information and must otherwise comply with § 207.30 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also 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 upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to § 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the

investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Authority:** These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: February 29, 2024.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2024-04577 Filed 3-4-24; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1331]

### Certain Outdoor and Semi-Outdoor Electronic Displays, Products Containing Same, and Components Thereof; Notice of a Commission Determination Not To Review a Final Initial Determination Finding No Violation of Section 337; Termination of the Investigation

**AGENCY:** International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ") final initial determination ("FID") finding no violation of section 337 of the Tariff Act of 1930, as amended. The investigation is terminated with a finding of no violation.

**FOR FURTHER INFORMATION CONTACT:** Paul Lall, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2043. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email [EDIS3Help@usitc.gov](mailto:EDIS3Help@usitc.gov). General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation



on September 23, 2022, based on a complaint filed on behalf of Manufacturing Resources International, Inc. (“MRI”) of Alpharetta, Georgia. 87 FR 58132–33 (Sept. 23, 2022). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain outdoor and semi-outdoor electronic displays, products containing same, and components thereof with respect to certain claims of U.S. Patent Nos. 8,854,595 (“the ‘595 patent”); 9,173,322 (“the ‘322 patent”); 9,629,287 (“the ‘287 patent”); 10,506,740 (“the ‘740 patent”); and 11,013,142 (“the ‘142 patent”) (collectively, the “Asserted Patents”). The complaint further alleges that a domestic industry exists.

The Commission’s notice of investigation (“NOI”) names seven (7) respondents, including: (1) Samsung Electronics Co., Ltd. (“Samsung Electronics”) of Gyeonggi-do, Republic of Korea; (2) Samsung SDS Co. Ltd. of Seoul, Republic of Korea; (3) Samsung SDS America, Inc. (“Samsung SDS America”) and Samsung Electronics America, Inc. (“Samsung Electronics America”), both of Ridgely Park, New Jersey; (4) Coates Visual LLC (“Coates Visual”) of Chicago, Illinois; (5) Coates Signco Pty Limited of Sydney, Australia; and (6) Industrial Enclosure Corporation d/b/a Palmer Digital Group (“Palmer Digital”) of Aurora, Illinois. The Office of Unfair Import Investigations is not participating in the investigation.

On November 10, 2022, the Commission terminated this investigation as to respondent Coates Visual and amended the complaint and NOI to add Coates US Inc. of Chicago, Illinois (“Coates US”) as a respondent. Order No. 6 (Oct. 24, 2022), *unreviewed by Comm’n Notice* (Nov. 10, 2022).

The presiding ALJ held a *Markman* hearing on March 1, 2023. On May 15, 2023, the ALJ issued a *Markman* order construing certain disputed claim terms. Order No. 13 (May 15, 2023).

On June 5, 2023, the Commission terminated this investigation as to respondents Samsung SDS Co. Ltd. and Coates Signco Pty Limited. Order Nos. 10–11 (May 4, 2023), *unreviewed by Comm’n Notice* (June 5, 2023). Order Nos. 10–11, issued on May 4, 2023, terminated only two respondents: Samsung SDS Co. Ltd. and Coates Signco Pty Limited. The Commission’s related notice, issued June 5, 2023, inadvertently terminated two additional respondents: Samsung SDS America,

Inc. and Coates US Inc. This notice corrects that error.

Five respondents remain in the investigation (hereinafter, “Respondents”): Samsung Electronics; Samsung Electronics America; Samsung SDS America (collectively, “Samsung”); Coates US; and Palmer Digital.

On July 17, 2023, the Commission granted summary determination that the economic prong of the domestic industry requirement is satisfied as to the Asserted Patents. *See* Order No. 19 (June 15, 2023), *unreviewed by Comm’n Notice* (July 17, 2023).

The presiding ALJ held an evidentiary hearing on June 26–30, 2023.

On August 9, 2023, the Commission terminated the investigation as to the following claims: claims 13, 16, and 18 of the ‘595 patent; claims 1, 2, 7, and 16 of the ‘322 patent; claims 1–11, 13, 15, 17–19 and 21–23 of the ‘287 patent; claims 2–3, 6, 8, 10, 13, 15–18, and 20 of the ‘740 patent; and claims 1–5, 7–9, and 11–15 of the ‘142 patent. Order No. 36 (July 11, 2023), *unreviewed by Comm’n Notice* (August 9, 2023).

On September 11, 2023, the Commission affirmed (as to non-terminated claims remaining asserted) an initial determination granting-in-part a motion for summary determination of non-infringement of certain unaccused products. Order No. 21 (June 20, 2023), *aff’d by Comm’n Notice* (September 11, 2023).

On November 13, 2023, the presiding ALJ issued the FID, finding that there has been no violation of section 337 in the importation into the United States, the sale for importation, and/or the sale in the United States after importation of certain outdoor and semi-outdoor electronic displays, products containing same, and components thereof.

Specifically, the FID finds: (1) for the ‘287 patent, claim 12 is not infringed and is not invalid for obviousness under 35 U.S.C. 103, and Respondents’ non-accused redesigned products are ripe for adjudication and do not satisfy claim 12; (2) for the ‘595 patent, claims 1, 4 and 7 are infringed, claim 8 is not infringed, claim 1 is invalid for anticipation and/or obviousness under 35 U.S.C. 102, 103, and claims 4, 7 and 8 are invalid for obviousness under 35 U.S.C. 103; (3) for the ‘322 patent, claims 4 and 5 are infringed, claims 8, 9, 12 and 13 are not infringed, claims 3, 4, 5, and 8 are invalid for anticipation and/or obviousness under 35 U.S.C. 102, 103, and claims 9, 12, and 13 are invalid for lack of written description under 35 U.S.C. 112; (4) for the ‘740 patent, claims 1 and 5 are infringed and claims 1 and 5 are invalid for obviousness under 35 U.S.C. 103; and

(5) for the ‘142 patent, claims 6 and 10 are infringed and claims 6 and 10 are invalid for obviousness under 35 U.S.C. 103.

On November 27, 2023, the presiding ALJ issued a recommended determination (“RD”) on remedy and bonding. The RD recommends the issuance of a limited exclusion order (“LEO”) directed to “outdoor and semi-outdoor electronic displays, products containing same ( housings, enclosures, kiosks, and menu boards), and component[s] thereof (systems for cooling electronic displays),” in the event that the Commission finds a violation of section 337. In particular, the RD recommends that the LEO should be directed to all Respondents if there is a finding of violation based, in whole or in part, on the Accused Samsung Mid-Sized Products, but should be directed only to Samsung Electronics, Samsung Electronics America and Samsung SDS America if there is a finding of violation based only on the Accused Samsung Large-Sized Products. *Id.* at 3–4. The RD also recommends that, if a violation is found, a cease and desist order (“CDO”) should issue against Samsung Electronics America, but no CDO should issue against Samsung Electronics or Samsung SDS America. *Id.* at 7–8. In addition, the RD recommends that, if the Commission finds a violation based on the Accused Mid-Sized Products, a CDO should issue against Coates US and Palmer Digital. *Id.* at 8–9. The RD further recommends that a bond of 2.25 percent be set for any importations of infringing products during the period of Presidential review. *Id.* at 11–12.

On November 27, 2023, MRI filed a petition for review of several of the FID’s findings. Specifically, MRI seeks review of the FID’s findings that: (1) the Accused Samsung Mid-Sized and Large-Sized Products do not infringe the asserted claim of the ‘287 Patent; (2) Samsung’s redesign products were ripe for adjudication; and (3) certain claims of the ‘595, ‘322, ‘740, and ‘142 patents are invalid as anticipated and/or obvious.

Also on November 27, 2023, Respondents filed a contingent petition for review of certain of the FID’s findings. Specifically, Respondents seek contingent review the FID’s findings that: (1) the Asserted Patents are not invalid due to incorrect inventorship and/or unenforceable due to inequitable conduct; (2) claims 1, 4 and 7 of the ‘595 Patent and/or claims 4 and 5 of the ‘322 patent are infringed; and (3) claim 12 of the ‘287 patent is not invalid. Respondents also seek review of



additional non-infringement bases for claims 9, 12, or 13 of the '322 patent.

On December 5, 2023, the parties filed their respective responses to the petitions for review.

On December 27, 2023, MRI filed a statement on the public interest pursuant to Commission Rule 210.50(a)(4), 19 CFR. 210.50(a)(4). Respondents did not file a submission pursuant to Commission Rule 210.50(a)(4). No responses were received in response to the Commission's post-RD notice seeking public interest submissions. 88 FR 84360–61 (Dec. 5, 2023).

The Commission has determined not to review the subject FID. The Commission notes, however, that the FID, in analyzing whether claim 4 of the '322 patent is rendered obvious by the combination of certain prior art references, states several times that "MRI has shown by clear and convincing evidence" that each of the eight elements of claim 4 is disclosed by the prior art. *See* FID, at 213, 214, 215 and 216. The FID clearly meant that for each element, "Respondents have shown by clear and convincing evidence. . . ." This aspect of the FID is accordingly clarified.

The investigation is terminated with a finding of no violation of section 337.

The Commission vote for this determination took place on February 28, 2024.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: February 28, 2024.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2024–04567 Filed 3–4–24; 8:45 am]

**BILLING CODE 7020–02–P**

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2024–019]

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice.

**SUMMARY:** NARA has submitted to OMB for approval the information collection described in this notice. We invite you

to comment on this information collection.

**DATES:** OMB must receive written comments on or before April 4, 2024.

**ADDRESSES:** Send any comments and recommendations on the proposed information collection in writing to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). You can 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:** Tamee Fechhelm, Paperwork Reduction Act Officer, by email at [tamee.fechhelm@nara.gov](mailto:tamee.fechhelm@nara.gov) or by telephone at 301.837.1694 with any requests for additional information.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), we invite the public and other Federal agencies to comment on proposed information collections. We published a notice of proposed collection for this information collection on December 8, 2023 (88 FR 85659) and we received no comments. We are therefore submitting the described information collection to OMB for approval.

If you have comments or suggestions, they should address one or more of the following points: (a) Whether the proposed information collection is necessary for NARA to properly perform its functions; (b) our estimate of the burden of the proposed information collection and its accuracy; (c) ways we could enhance the quality, utility, and clarity of the information we collect; (d) ways we could minimize the burden on respondents of collecting the information, including through information technology; and (e) whether this collection affects small businesses.

In this notice, we solicit comments concerning the following information collection:

**Title:** Request Pertaining to Military Records.

**OMB Number:** 3095–0029.

**Agency Form Numbers:** SF 180 and NA Form 13176; online form in eVetRecs is an electronic equivalent to the SF 180.

**Type of Review:** Regular.

**Affected Public:** Individuals who request access to military records, military medical records, and medical records of military dependents.

**Estimated Number of Respondents:** 871,294.

**Estimated Time per Response:** 5 minutes.

**Frequency of Response:** On occasion (when an individual wishes to request

information from military records, military medical records, or medical records of military dependents).

**Estimated Total Annual Burden Hours:** 72,607 hours.

**Abstract:** The general purpose of this voluntary data collection is to determine what is being requested, where records are located, what information is releasable, and where to send the response. When third parties submit requests, the information collected and provided serves as records of disclosure, which are required by the Privacy Act. The information collected via the SF 180 and eVetRecs is vital to our National Personnel Records Center, which stores and handles these records. We need this information to locate and release information from requested records. It also significantly improves our ability to provide timely and accurate information to requesters.

**Sheena Burrell,**

*Executive for Information Services/CIO.*

[FR Doc. 2024–04595 Filed 3–4–24; 8:45 am]

**BILLING CODE 7515–01–P**

## NATIONAL SCIENCE FOUNDATION

### Sunshine Act Meetings

The National Science Board's (NSB) Committee on Oversight hereby gives notice of the scheduling of a videoconference meeting for the transaction of National Science Board business pursuant to the National Science Foundation Act and the Government in the Sunshine Act.

**TIME AND DATE:** Thursday, March 7, 2024, from 10:30–11:30 a.m. EST.

**PLACE:** This meeting will be held by videoconference through the National Science Foundation.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The agenda of the meeting is: Committee Chair's opening remarks; Office of the Inspector General presentation on investigating research misconduct by recipients of NSF funding; Office of the Inspector General presentation regarding the independent auditor's report of NSF's FY2023 Financial Statement; and Chief Financial Officer highlights of quarterly report.

**CONTACT PERSON FOR MORE INFORMATION:** Point of contact for this meeting is: (Chris Blair, [cblair@nsf.gov](mailto:cblair@nsf.gov)), 703–292–7000. Members of the public can observe this meeting through a YouTube livestream. The YouTube link is:

<https://www.youtube.com/watch?v=hDnIssLUcIg>

Ann E. Bushmiller,  
Senior Counsel to the National Science Board.  
[FR Doc. 2024-04692 Filed 3-1-24; 11:15 am]

BILLING CODE 7555-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-317, 50-318, 72-008, 72-078, 50-461, 72-1046, 50-10, 50-237, 50-249, 72-037, 50-333, 72-012, 50-373, 50-374, 72-070, 50-352, 50-353, 72-065, 50-220, 50-410, 72-1036, 50-277, 50-278, 72-029, 50-254, 50-265, 72-053, 50-413, 50-414, 72-45, 50-261, 72-3, 72-60, 50-269, 50-270, 50-287, 72-04, 72-40, 50-266, 50-301, 72-005, 50-443, 72-63, 50-315, 50-316, 72-072, 50-354, 50-272, 50-311, 72-48, 50-282, 50-306, 72-010, 50-263, 50-416, 72-50, 50-424, 50-425, 52-025, 52-026, 72-1039, 50-321, 50-366, 72-36, 50-348, 50-364 and 72-42; NRC-2024-0047]

### Issuance of Multiple Exemptions Regarding Security Notifications, Reports, and Recording Keeping

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Exemptions; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing a single notice to announce the issuance of 22 exemptions in response to requests from eight licensees in response to a change to NRC's regulations published in the *Federal Register* on March 14, 2023.

**DATES:** During the period from January 1, 2024, to January 31, 2024, the NRC granted 22 exemptions in response to requests submitted by eight licensees from October 13, 2023, to January 24, 2024.

**ADDRESSES:** Please refer to Docket ID NRC-2024-0047 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available

information related to this document using any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2024-0047. 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 individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the "Availability of Documents" section.

- **NRC's PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Ed Miller, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2481, email: [Ed.Miller@nrc.gov](mailto:Ed.Miller@nrc.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Introduction

During the period from January 1, 2024, to January 31, 2024, the NRC granted 22 exemptions in response to

requests submitted by the following licensees: Constellation Energy Generation, LLC; Duke Energy; NextEra Energy Point Beach, LLC and NextEra Energy Seabrook, LLC; Indiana Michigan Power Company; PSEG Nuclear LLC; Northern States Power Company, a Minnesota Corporation, doing business as Xcel Energy; Entergy Operations, Inc.; and Southern Nuclear Operating Company.

These exemptions temporarily allow the licensees to deviate from certain requirements of part 73 of title 10 of the *Code of Federal Regulations* (10 CFR), "Physical Protection of Plants and Materials," subpart T, "Security Notifications, Reports, and Recordkeeping." In support of its exemption requests, the licensees agreed to effect site-specific administrative controls that maintain the approach to complying with 10 CFR part 73 in effect prior to the NRC's issuance of a final rule, "Enhanced Weapons, Firearms Background Checks, and Security Event Notifications," which was published in the *Federal Register* on March 14, 2023, and became effective on April 13, 2023 (88 FR 15864).

#### II. Availability of Documents

The tables in this notice provide transparency regarding the number and type of exemptions the NRC has issued and provides the licensee name, facility name, docket number, document description, document date, and ADAMS accession number for each exemption issued. Additional details on each exemption issued, including the exemption request submitted by the respective licensee and the NRC's decision, are provided in each exemption approval listed in the following tables. For additional directions on accessing information in ADAMS, see the **ADDRESSES** section of this document.

Document description	ADAMS accession No.	Document date
<b>Constellation Energy Generation, LLC; Calvert Cliffs Nuclear Power Plant, Units 1 and 2 Docket Nos. 50-317, 50-318, 72-008, and 72-078</b>		
Calvert Cliffs Nuclear Power Plant, Units 1 and 2, Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23289A120	October 16, 2023.
Calvert Cliffs Nuclear Power Plant, Units 1 and 2—Supplemental Information Letter for Part 73 Exemption Request—Responses to Request for Confirmatory Information.	ML23317A103	November 10, 2023.
Calvert Cliffs Nuclear Power Plant, Units 1 and 2—Exemption from Select Requirements of 10 CFR Part 73 (EPID L-2023-LLE-0033 [Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting]).	ML24003A887	January 19, 2024.

Document description	ADAMS accession No.	Document date
<b>Constellation Energy Generation, LLC; Clinton Power Station, Unit No. 1 Docket Nos. 50–461 and 72–1046</b>		
Clinton Power Station, Unit 1—Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23321A137	November 17, 2023.
Clinton Power Station, Unit No. 1—Exemption from Select Requirements of 10 CFR Part 73 (EPID L–2023–LLE–0041 [Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting]).	ML24004A079	January 18, 2024.
<b>Constellation Energy Generation, LLC; Dresden Nuclear Power Station, Units 1, 2, and 3 Docket Nos. 50–10, 50–237, 50–249, and 72–037</b>		
Dresden Nuclear Power Station, Unit 1, 2, and 3—Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23289A100	October 16, 2023.
Dresden Nuclear Power Station, Unit 1, 2 and 3—Supplemental Information Letter for Part 73 Exemption Request—Responses to Request for Confirmatory Information.	ML23317A104	November 10, 2023.
Dresden Nuclear Power Station, Units 1, 2, and 3—Supplement—Dresden Security Rule Exemption Request—ISFSI Docket No. Reference (EPID L–2023–LLE–0031) (Email).	ML23328A009	November 22, 2023.
Dresden Nuclear Power Station, Units 1, 2, And 3—Exemption from Select Requirements of 10 CFR Part 73 (EPID L–2023–LLE–0031 [Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting]).	ML23354A281	January 4, 2024
<b>Constellation Energy Generation, LLC; James A. FitzPatrick Nuclear Power Plant Docket Nos. 50–333 and 72–012</b>		
James A. FitzPatrick Nuclear Power Plant and Independent Spent Fuel Storage Installation—Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23326A008	November 22, 2023.
James A. FitzPatrick Nuclear Power Plant—Supplemental Response to Part 73 Exemption Request—Withdrawal of Request for Exemption from 10 CFR 73, Subpart B, Preemption Authority Requirements.	ML23341A127	December 7, 2023.
James A FitzPatrick Nuclear Power Plant—Exemption from Select Requirements of 10 CFR Part 73 (EPID L–2023–LLE–0058 [Security Notifications, Reports, And Recordkeeping and Suspicious Activity Reporting]).	ML23356A083	January 4, 2024.
<b>Constellation Energy Generation, LLC; LaSalle County Station, Units 1 and 2 Docket Nos. 50–373, 50–374, and 72–070</b>		
LaSalle County Station, Units 1 and 2—Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23286A042	October 13, 2023.
LaSalle County Station, Units 1 and 2—Supplemental Information Letter for Part 73 Exemption Request—Responses to Request for Confirmatory Information.	ML23317A106	November 10, 2023.
[LaSalle County Station, Units 1 and 2]—Supplement—Security Rule Exemption Request—ISFSI Docket No. Reference (L-2023–LLE–0028) (Email).	ML23328A013	November 22, 2023.
LaSalle County Station, Units 1 and 2—Exemption from Select Requirements of 10 CFR Part 73 (EPID L–2023–LLE–0028 [Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting]).	ML23354A290	January 5, 2024.
<b>Constellation Energy Generation, LLC; Limerick Generating Station, Units 1 and 2 Docket Nos. 50–352, 50–353, and 72–065</b>		
Limerick Generating Station, Units 1 and 2, Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23286A035	October 13, 2023.
Limerick Generating Station, Units 1 and 2—Supplemental Information Letter for Part 73 Exemption Request—Responses to Request for Confirmatory Information.	ML23317A107	November 10, 2023.
[Limerick Generating Station, Units 1 and 2] Supplement—Limerick Security Rule Exemption Request—ISFSI Docket No. Reference (EPID L–2023–LLE–0026) (Email).	ML23331A006	November 22, 2023.
Limerick Generating Station, Units Nos. 1 and 2—Exemption from Select Requirements of 10 CFR Part 73 (EPID L–2023–LLE–0026 [Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting]).	ML24004A034	January 17, 2024.
<b>Constellation Energy Generation, LLC; Nine Mile Point Nuclear Station, Units 1 and 2 Docket Nos. 50–220, 50–410, and 72–1036</b>		
Nine Mile Point [Nuclear Station], Unit Nos. 1 and 2—Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23326A009	November 22, 2023.

Document description	ADAMS accession No.	Document date
Nine Mile Point Nuclear Station, Units 1 and 2—Supplemental Response to Part 73 Exemption Request—Withdrawal of Request for Exemption from 10 CFR 73, Subpart B, Preemption Authority Requirements.	ML23341A131	December 7, 2023.
Nine Mile Point [Nuclear Station], Units 1 and 2—Exemption from Select Requirements of 10 CFR Part 73 (EPID L-2023-LLE-0059 [Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting]).	ML23354A001	January 4, 2024.
<b>Constellation Energy Generation, LLC; Peach Bottom Atomic Power Station, Units 2 and 3 Docket Nos. 50-277, 50-278, and 72-029</b>		
Peach Bottom Atomic Power Station, Unit[s] 2 and 3, Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23289A121	October 16, 2023.
Peach Bottom Atomic Power Station, Units 2 and 3—Supplemental Information Letter for Part 73 Exemption Request—Responses to Request for Confirmatory Information.	ML23317A108	November 10, 2023.
[Peach Bottom Atomic Power Station, Units 2 and 3]—Supplement—Peach Bottom Security Rule Exemption Request—ISFSI Docket No. Reference (EPID L-2023-LLE-0032) (Email).	ML23331A911	November 22, 2023.
Peach Bottom Atomic Power Station, Units 2 and 3—Supplement—Peach Bottom Security Rule Exemption Request—ISFSI Docket No. Reference (EPID L-2023-LLE-0032) (Updated) (Email).	ML24002A713	December 29, 2023.
Peach Bottom Atomic Power Station, Units 2 and 3—Exemption from Select Requirements of 10 CFR [Part] 73 [Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting] (EPID L-2023-LLE 0032).	ML23354A192	January 5, 2024.
<b>Constellation Energy Generation, LLC; Quad Cities Nuclear Power Station, Units 1 and 2 Docket Nos. 50-254, 50-265, and 72-053</b>		
Quad Cities Nuclear Power Station, Units 1 & 2—Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23321A141	November 17, 2023.
Quad Cities Nuclear Power Station, Unit No. 1 And 2—Exemption from Select Requirements of 10 CFR Part 73 (EPID L-2023-LLE-0042 [Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting]).	ML24004A005	January 17, 2024.
<b>Duke Energy; Catawba Nuclear Station, Units 1 and 2 Docket Nos. 50-413, 50-414, and 72-45</b>		
[Catawba Nuclear Station, Units 1 and 2]—RA-23-0284 Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23320A283	November 16, 2023.
[Catawba Nuclear Station, Units 1 and 2]—Supplement to Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23338A344	December 4, 2023.
Catawba Nuclear Station, Units 1 and 2, Re: Exemption from Select Requirements of 10 CFR Part 73—Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting (EPID L-2023-LLE-0050).	ML24005A251	January 26, 2024.
<b>Duke Energy; H.B. Robinson Steam Electric Plant, Unit No. 2 Docket Nos. 50-261, 72-3, and 72-60</b>		
[H.B. Robinson Steam Electric Plant, Unit No. 2]- RA-23-0284 Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23320A283	November 16, 2023.
[H.B. Robinson Steam Electric Plant, Unit No. 2]—Supplement to Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23338A344	December 4, 2023.
H.B. Robinson Steam Electric Plant, Unit No. 2—Exemption from Select Requirements of 10 CFR Part 73 (EPID L 2023 LLE 0047 [Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting]).	ML24009A243	January 25, 2024.
<b>Duke Energy; Oconee Nuclear Station, Units 1, 2, and 3 Docket Nos. 50-269, 50-270, 50-287, 72-04, and 72-40</b>		
[Oconee Nuclear Station, Units 1, 2, and 3]—RA-23-0284 Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23320A283	November 16, 2023.
[Oconee Nuclear Station, Units 1, 2, and 3]—Supplement to Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23338A344	December 4, 2023.
Oconee Nuclear Station, Units 1, 2, and 3—Re: Exemption from Select Requirements of 10 CFR part 73 [Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting] (EPID L-2023-LLE-0049).	ML24005A249	January 24, 2024.

Document description	ADAMS accession No.	Document date
<b>NextEra Energy Point Beach, LLC; Point Beach Nuclear Plant, Units 1 and 2 Docket Nos. 50–266, 50–301, and 72–005</b>		
Point Beach Nuclear Plant, Units 1 and 2—Part [7]3 exemption Request Regarding Enhanced Weapons, Firearms Background Checks and Security Event Notifications Final Rule.	ML23320A265	November 16, 2023.
[Point Beach Nuclear Plant], Units 1 and 2—Supplement to Exemption Request Regarding Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Final Rule.	ML23334A073	November 29, 2023.
Point Beach Nuclear Plant, Units 1 and 2—Exemption from Select Requirements of 10 CFR Part 73 (EPID L–2023–LLE–0040 [Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting]).	ML24005A324	January 24, 2024.
<b>NextEra Energy Seabrook, LLC; Seabrook Station, Unit No. 1 Docket Nos. 50–443 and 72–63</b>		
[Seabrook Station, Unit No. 1]—Part 73 Exemption Request Regarding Enhanced Weapons, Firearms, Background Checks, and Security Event Notifications Final Rule.	ML23320A269	November 16, 2023.
[Seabrook Station, Unit No.1]—Supplement to Seabrook Exemption Request Regarding Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Final Rule.	ML23334A074	November 29, 2023.
Seabrook Station, Unit No. 1—Exemption from Select Requirements of 10 CFR Part 73 (EPID L 2023 LLE–0043 [Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting]).	ML24009A115	January 29, 2024.
<b>Indiana Michigan Power Company; Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 Docket Nos. 50–315, 50–316, and 72–072</b>		
Donald C. Cook Nuclear Plant, Unit 1 and Unit 2—Scheduler Exemption for Enhanced Weapons, Firearms, Background Checks, and Security Event Notifications Implementation.	ML23320A233	November 16, 2023.
Donald C. Cook Nuclear Plant, Units 1 and 2—Security Rule Exemption Request—ISFSI Docket No. Reference (Email).	ML23361A102	December 21, 2023.
Donald C. Cook Nuclear Plant Unit Nos. 1 and 2—Exemption from Select Requirements of 10 CFR Part 73 (EPID L–2023–LLE–0039 [Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting]).	ML24004A158	January 19, 2024.
<b>PSEG Nuclear LLC; Salem Nuclear Generating Station, Unit Nos. 1 and 2, and Hope Creek Generating Station Docket Nos. 50–354, 50–272, 50–311, and 72–48</b>		
Salem Nuclear Generating Station, Units 1 and 2, [and] Hope Creek Generating Station—Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23324A306 (Package)	November 17, 2023.
Salem Nuclear Generating Station, Units 1 and 2, and Hope Creek Generating Station—Exemption from Select Requirements Of 10 CFR Part 73 (EPID L–2023–LLE–0045 [Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting]).	ML24009A102	January 26, 2024.
<b>Northern States Power Company, a Minesota Corporation (NSPM), doing business as Xcel Energy; Prairie Island Nuclear Generating Plant, Units 1 and 2 Docket Nos. 50–282, 50–306, and 72–010</b>		
[Prairie Island Nuclear Generating Plant, Units 1 and 2]—Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23319A318	November 15, 2023.
[Prairie Island Nuclear Generating Plant, Units 1 and 2]—Supplement to Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML24024A072	January 24, 2024.
Prairie Island Nuclear Generating Plant, Units 1 and 2—Exemption from Select Requirements Of 10 CFR Part 73 [Security Notifications, Reports, And Recordkeeping and Suspicious Activity Reporting] (EPID L–2023–LLE–0056).	ML23356A123	January 29, 2024.
<b>Northern States Power Company, a Minesota Corporation (NSPM), doing business as Xcel Energy; Monticello Nuclear Generating Plant, Unit 1 Docket No. 50–263</b>		
[Monticello Nuclear Generating Plant]- Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23319A318	November 15, 2023.
[Monticello Nuclear Generating Plant]—Supplement to Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML24024A072	January 24, 2024.
Monticello Nuclear Generating Plant—Exemption from Select Requirements of 10 CFR Part 73 (EPID L–2023–LLE–0055 [Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting]).	ML24025A936	January 31, 2024.

Document description	ADAMS accession No.	Document date
<b>Entergy Operations, Inc.; Grand Gulf Nuclear Station, Unit 1 Docket Nos. 50–416 and 72–50</b>		
Grand Gulf Nuclear Station, Unit 1—Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23325A142	November 21, 2023.
[Grand Gulf Nuclear Station, Unit 1—] Supplement to Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23333A136	November 29, 2023.
Grand Gulf Nuclear Station, Unit 1—Exemption from Select Requirements of 10 CFR Part 73 (EPID L–2023–LLE–0051 [Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting]).	ML24012A142	January 31, 2024.
<b>Southern Nuclear Operating Company; Vogtle Electric Generating Plant, Units 1, 2, 3, and 4 Docket Nos. 50–424, 50–425, 52–025, 52–026 and 72–1039</b>		
Vogtle Electric Generating Plant, Units 1, 2, 3, and 4—Request for Exemption from Security Event Notification Implementation.	ML23333A855	November 29, 2023.
[Vogtle Electric Generating Plant,] Units 1, 2, 3, and 4—Exemption from Select Requirements of 10 CFR [part] 73 [Security Notifications, Reports and Recordkeeping and Suspicious Activity Reporting] (EPID L–2023–LLE–0067).	ML24010A071	January 31, 2024.
<b>Southern Nuclear Operating Company; Edwin I. Hatch Nuclear Plant, Units 1 and 2 Docket Nos. 50–321, 50–366 and 72–36</b>		
Edwin I. Hatch Nuclear Plant—Request for Exemption from Security Event Notification Implementation.	ML23333A861	November 29, 2023.
Edwin I. Hatch Nuclear Plant—Exemption from Select Requirements of 10 CFR Part 73 [Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting] (EPID L–2023–LLE–0068).	ML24012A065	January 30, 2024.
<b>Southern Nuclear Operating Company; Joseph M. Farley Nuclear Plant, Units 1 and 2 50–348, 50–364 and 72–42</b>		
Joseph M. Farley Nuclear Plant—Request for Exemption from Security Event Notification Implementation.	ML23333A847	November 29, 2023.
Joseph M. Farley Nuclear Plant—Exemption from Select Requirements Of 10 CFR Part 73—Security Notifications, Reports, And Recordkeeping And Suspicious Activity Reporting (EPID L–2023–LLE–0066).	ML24010A003	January 30, 2024.

For the Nuclear Regulatory Commission.  
Dated: February 28, 2024.

**Jeffrey A. Whited,**

*Chief, Plant Licensing Branch 3, Division of  
Operating Reactor Licensing, Office of  
Nuclear Reactor Regulation.*

[FR Doc. 2024–04546 Filed 3–4–24; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

[NRC–2023–0160]

### Information Collection: Voluntary Reporting of Performance Indicators

**AGENCY:** Nuclear Regulatory  
Commission.

**ACTION:** Renewal of existing information  
collection; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory  
Commission (NRC) invites public  
comment on the renewal of Office of  
Management and Budget (OMB)  
approval for an existing collection of  
information. The information collection  
is entitled, “Voluntary Reporting of  
Performance Indicators.”

**DATES:** Submit comments by May 6,  
2024. Comments received after this date  
will be considered if it is practical to do  
so, but the Commission is able to ensure  
consideration only for comments  
received on or before this date.

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

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2023–0160. 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 individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* David C. Cullison, Office of the Chief Information Officer, Mail Stop: T–6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining  
information and submitting comments,  
see “Obtaining Information and  
Submitting Comments” in the

**SUPPLEMENTARY INFORMATION** section of  
this document.

**FOR FURTHER INFORMATION CONTACT:**  
David C. Cullison, Office of the Chief  
Information Officer, U.S. Nuclear  
Regulatory Commission, Washington,  
DC 20555–0001; telephone: 301–415–  
2084; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Obtaining Information and Submitting Comments

##### A. Obtaining Information

Please refer to Docket ID NRC–2023–  
0160 when contacting the NRC about  
the availability of information for this  
action. You may obtain publicly  
available information related to this  
action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2023–0160. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2023–0160 on this website.

- *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). A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML19025A257. The supporting statement is available in ADAMS under Accession No. ML23255A269.

- **NRC's PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

- **NRC's Clearance Officer:** A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

#### B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2023-0160, in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

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

## II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* Voluntary Reporting of Performance Indicators.
2. *OMB approval number:* 3150-0195.
3. *Type of submission:* Revision.
4. *The form number, if applicable:* Not applicable.
5. *How often the collection is required or requested:* Quarterly for Performance Indicator reporting and, on occasion, for the Frequently Asked Question process.
6. *Who will be required or asked to respond:* Power reactor licensees.
7. *The estimated number of annual responses:* 400 (379 reporting responses + 21 recordkeepers).
8. *The estimated number of annual respondents:* 94.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* The total reporting and recordkeeping burden is 82,034 (80,960 hours reporting + 1,074 hours recordkeeping).

10. *Abstract:* As part of a joint industry-NRC initiative, the NRC receives information submitted voluntarily by power reactor licensees regarding selected performance attributes known as performance indicators (PIs). PIs are objective measures of the performance of licensee systems or programs. The NRC uses PI information and inspection results in its Reactor Oversight Process (ROP) to make decisions about plant performance and regulatory response. Licensees transmit PIs electronically to reduce burden on themselves and the NRC. Licensees also participate in the ROP Performance Indicator Frequently Asked Question (FAQ) process that it is used to resolve interpretation issues with Nuclear Energy Institute (NEI) document, NEI 99-02, "Regulatory Assessment Performance Indicator Guideline." The ROP PI FAQ process and white papers may also be used to propose changes to NEI 99-02 guidance and the PI Program. The NRC and industry review FAQs and white papers and work to achieve resolution during periodic public meetings.

## III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to

properly perform its functions? Does the information have practical utility? Please explain your answer.

2. Is the estimate of the burden of the information collection accurate? Please explain your answer.

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: February 29, 2024.

For the Nuclear Regulatory Commission.

**David Cullison,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 2024-04631 Filed 3-4-24; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2023-0163]

### Information Collection: License Requirements for Land Disposal of Radioactive Waste

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Renewal of existing information collection; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, "License Requirements for Land Disposal of Radioactive Waste."

**DATES:** Submit comments by May 6, 2024. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- **Federal rulemaking website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2023-0163. Address questions about Docket IDs in [Regulations.gov](https://www.regulations.gov) to Stacy Schumann; telephone: 301-415-0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION**

**CONTACT** section of this document.

- **Mail comments to:** David C. Cullison, Office of the Chief Information Officer, Mail Stop: T-6 A10M, U.S.

Nuclear Regulatory Commission, Washington, DC 20555-0001.

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

**FOR FURTHER INFORMATION CONTACT:**

David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Obtaining Information and Submitting Comments**

*A. Obtaining Information*

Please refer to Docket ID NRC-2023-0163 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2023-0163.
- *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 supporting statement is available in ADAMS under Accession No. ML23342A028.
- *NRC’s PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

- *NRC’s Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC’s Clearance Officer, David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

*B. Submitting Comments*

The NRC encourages electronic comment submission through the

Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2023-0163, in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

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

**II. Background**

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the NRC is requesting public comment on its intention to request the OMB’s approval for the information collection summarized below.

1. *The title of the information collection:* 10 CFR part 61, License Requirements for Land Disposal of Radioactive Waste.
2. *OMB approval number:* 3150-0135.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* Not applicable.
5. *How often the collection is required or requested:* Applications for licenses are submitted as needed. Other reports are submitted annually, and as other events require.
6. *Who will be required or asked to respond?* Applicants for and holders of an NRC license or Agreement State license for land disposal of low-level radioactive waste.
7. *The estimated number of annual responses:* 16 (12 reporting responses and 4 recordkeepers).
8. *The estimated number of annual respondents:* 4.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 5,372 hours (56 hours reporting and 5,316 hours recordkeeping).
10. *Abstract:* 10 CFR part 61, establishes the procedures, criteria, and license terms and conditions for the land disposal of low-level radioactive waste. The reporting and recordkeeping

requirements are mandatory and, in the case of application submittals, are required to obtain a benefit. The information collected in the applications, reports, and records is evaluated by the NRC to ensure that the licensee’s or applicant’s disposal facility, equipment, organization, training, experience, procedures, and plans provide an adequate level of protection of public health and safety, common defense and security, and the environment.

**III. Specific Requests for Comments**

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.
2. Is the estimate of the burden of the information collection accurate? Please explain your answer.
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: February 29, 2024.

For the Nuclear Regulatory Commission.

**David Cullison,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 2024-04633 Filed 3-4-24; 8:45 am]

**BILLING CODE 7590-01-P**

**POSTAL REGULATORY COMMISSION**

[Docket Nos. MC2024-197 and CP2024-203]

**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: March 7, 2024.

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



**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:****Table of Contents**

- I. Introduction
- II. Docketed Proceeding(s)

**I. Introduction**

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.<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).*: MC2024-197 and CP2024-203; *Filing Title*: USPS Request

<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).

to Add Priority Mail & USPS Ground Advantage Contract 195 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: February 28, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Alireza Motameni; *Comments Due*: March 7, 2024.

This Notice will be published in the **Federal Register**.

**Erica A. Barker,**

*Secretary.*

[FR Doc. 2024-04607 Filed 3-4-24; 8:45 am]

**BILLING CODE 7710-FW-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-99621; File No. SR-CboeEDGX-2023-083]

**Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Make Permanent Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options**

February 28, 2024.

On December 26, 2023, Cboe EDGX Exchange, Inc. ("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 make permanent the operation of its programs that allow the Exchange to list options on the Mini-SPX Index with P.M.-settlement and to list broad-based index options with nonstandard expirations. The proposed rule change was published for comment in the **Federal Register** on January 16, 2024.<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 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 March 1, 2024.

The Commission is extending this 45-day time period. The Commission finds that it is 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. Accordingly, the Commission, pursuant to section 19(b)(2) of the Act,<sup>5</sup> designates April 15, 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-CboeEDGX-2023-083).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>6</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2024-04549 Filed 3-4-24; 8:45 am]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-99623; File No. SR-CboeBZX-2023-107]

**Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Make Permanent Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options**

February 28, 2024.

On December 26, 2023, Cboe BZX Exchange, Inc. ("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 make permanent the operation of its programs that allow the Exchange to list options on the Mini-SPX Index with P.M.-settlement and to list broad-based index options with nonstandard expirations. The proposed rule change was published for comment in the **Federal Register** on January 16, 2024.<sup>3</sup>

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

<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>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. 99300 (January 9, 2024), 89 FR 2695.

<sup>4</sup> 15 U.S.C. 78s(b)(2).

<sup>3</sup> See Securities Exchange Act Release No. 99299 (January 9, 2024), 89 FR 2688.

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 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 March 1, 2024.

The Commission is extending this 45-day time period. The Commission finds that it is 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. Accordingly, the Commission, pursuant to section 19(b)(2) of the Act,<sup>5</sup> designates April 15, 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-2023-107).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>6</sup>

**Sherry R. Haywood,**  
Assistant Secretary.

[FR Doc. 2024-04551 Filed 3-4-24; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-99620; File No. SR-CBOE-2024-008]

### Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Adopt a New Rule Regarding Order and Execution Management Systems ("OEMS")

February 28, 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 February 13, 2024, Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") 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 Exchange, Inc. (the "Exchange" or "Cboe Options") proposes to adopt a new rule regarding order and execution management systems ("OEMS"). 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://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), 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 adopt a rule regarding OEMSs. An OEMS is a software product that market participants may install on their computer systems<sup>3</sup> and use to enter and route orders to trade securities (and non-securities)<sup>4</sup> for execution as well as manage their executions and perform other tasks related to their trading activities.<sup>5</sup> OEMSs generally permit

users to route orders to other market participants that use the same OEMS platform or directly to trading venues. OEMS platforms generally provide their users with the capability to create orders, route them for execution, and input parameters to control the size, timing, and other variables of their trades. OEMSs may also provide users with access to real-time options and stock market data, as well as certain historical data. Additionally, OEMSs may offer their users a variety of other tools to manage their trading, such as risk management tools, analytics, and algorithms. OEMS platforms generally consist of a "front-end" order execution and management trading platform. These platforms may also include a "back-end" platform that provides a connection to the infrastructure network of the OEMS (and thus permits users to send orders to other users of that OEMS).

An OEMS is designed generally to permit a user to route orders through the platform (1) to an executing broker of that user's choice with connectivity to the platform, which broker may then send the orders to any U.S. exchange or trading center of which it is a member, including Cboe Options (if the broker is a Trading Permit Holder ("TPH")); or (2) to any U.S. exchange or trading center of which the user is a member and to which it has established direct connectivity. On the Exchange, a TPH user may only establish this direct connectivity if it separately purchased a port from the Exchange pursuant to the Exchange's Fees Schedule.<sup>6</sup> An OEMS is merely software that a TPH can install on its computer system and use to route orders to ports it purchases separately from the Exchange—this software is not integrated with ports, or any other part of the Exchange's trading systems. Thus,

Securities Exchange Act of 1934 (the "Act"). See, e.g., Securities Exchange Act Release Nos. 82088 (November 15, 2017), 82 FR 55443, 55444 at note 8 (November 21, 2017) (SR-CBOE-2017-068) ("Silexx Approval Order"); and 75302 (June 25, 2015), 80 FR 37685, 37687 at note 10 (July 1, 2015) (SR-CBOE-2015-062) ("Livevol Approval Order"). The Exchange notes any real-time or other market data that is subject to these rule filing requirements is purchased by the OEMS provider in accordance with the Exchange's (or other national securities exchanges') fees schedules.

<sup>6</sup> For example, the Financial Information eXchange ("FIX") protocol is a vendor-neutral electronic communications protocol for the exchange of securities order and transaction messages. A TPH may establish direct connectivity to the Exchange by purchasing a FIX port or Binary Order Entry ("BOE") port, depending on the connection type of its OEMS. The Silexx platform currently permits connection to an exchange, including Cboe Options, via FIX ports. A Silexx user that is a member of another securities exchange may separately purchase a FIX port from that exchange and directly send orders from its Silexx software to that exchange.

<sup>4</sup> 15 U.S.C. 78s(b)(2).

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

<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> For example, the Silexx front-end and back-end platforms constitute a software application that is installed locally on a user's desktop.

<sup>4</sup> Many OEMSs provide execution and management functionality for multiple asset classes, including U.S. securities, non-U.S. securities, and non-securities. This filing focuses on OEMS functionality related to U.S. securities, which are within the jurisdiction of the Act and the Securities and Exchange Commission (the "Commission").

<sup>5</sup> This additional functionality is not subject to rule filing requirements of section 19(b) of the

if [sic]TPH user wants to send an order to the Exchange for execution from an OEMS platform, it can only do so if it purchases a port from the Exchange. If a user that is not a broker or TPH wants to send an order for execution at the Exchange through an OEMS, the user must route its order from its OEMS software to a broker that is also a TPH, which broker can then route the order to the Exchange for execution—either through the same OEMS or a different OEMS. This is true for OEMSs in general, regardless of whether an OEMS is offered by an Exchange affiliate or a third-party OEMS. Specifically, if a non-TPH market participant wants to send an order from its OEMS software, which happens to be offered by an Exchange affiliate, for execution at the Exchange, that market participant must route the order to a TPH, which TPH can then route the order to the Exchange for execution using its OEMS platform, which may or may not be the same OEMS platform as used by the initial market participant, through its separately purchased port.

There is a variety of OEMS software for securities available in the industry, which may be offered by technology vendors, broker-dealers, or national securities exchanges (or their affiliates).<sup>7</sup> The Exchange does not require the use of any specific OEMS to access the Exchange.<sup>8</sup> TPHs and other market participants may use any OEMS software to send orders to the Exchange for execution and manage those orders. The Exchange handles all orders it receives in the same manner, regardless of how those orders were sent to the

Exchange. As noted above, TPHs may send orders in the form of FIX or BOE messages. Once the Exchange's system receives an order (regardless of whether it is in FIX or BOE form), the Exchange's system (including the ports through which orders are routed to the Exchange for execution) is unable to identify in what manner the order was sent. For example, if a TPH submits an order from its OEMS platform, even if such OEMS platform is offered by an Exchange affiliate, the Exchange's system has no way to identify what OEMS(s) was used to submit that order to the Exchange. The Exchange's system only sees orders as BOE or FIX messages.<sup>9</sup> The Exchange handles all orders in a nondiscretionary manner and in accordance with its Rules as required by the Act.<sup>10</sup>

OEMSs are generally not subject to the rule filing requirements under section 19(b) of the Act.<sup>11</sup> Historically, however, when CGM (or its predecessor) acquired entities or assets that have included OEMS platforms (such as Silexx and Livevol)—thus causing those entities or assets to become owned by the Exchange or an Exchange affiliate—Commission staff advised the Exchange that affiliation with those entities caused the OEMSs to be considered “facilities” under the Act because it *could* be used to route orders to the Exchange and thus subject to the rule filing requirements under section 19(b) of the Act.<sup>12</sup> Consideration of such platforms as facilities solely because of Exchange affiliation causes the providers of these platforms to operate at a competitive disadvantage compared to other OEMS providers that are not subject to section 6(b) or 19(b)

of the Act, despite offering substantially similar products and services, connecting to the Exchange in the same manner, and receiving no benefits or advantages from the Exchange despite its affiliation.<sup>13</sup>

Based on its review of relevant facts and circumstances, and as discussed further below, the Exchange believes an OEMS platform offered by an Exchange affiliate or pursuant to a contractual relationship (such as a joint venture) but that is ultimately operated as a separate business from the Exchange, and thus is operated with respect to the Exchange on the same terms as third-party OEMSs, is not a facility of the Exchange within the meaning of the Act and, thus, is not subject to the rule filing requirement.<sup>14</sup> The Exchange believes the rules and fees related to such an OEMS platform are not the “rules of an exchange”<sup>15</sup> required to be filed with the Commission under the Act. Such an OEMS platform receives no advantage over other OEMS platforms as a result of its affiliation with the Exchange and orders from such an OEMS are handled by the Exchange pursuant to its Rules in

<sup>7</sup> For example, Cboe Silexx, LLC (“Cboe Silexx”), which is a wholly owned, direct subsidiary of Cboe Global Markets, Inc. (“CGM”) (of which the Exchange is also a wholly owned subsidiary) develops, offers, and maintains an OEMS platform. CGM owns or has owned or contracted with entities that offered OEMSs (such as Livevol and PULSe) for which it submitted rule filings. See, e.g., Silexx Approval Order; Livevol Approval Order; and Securities Exchange Act Release no. 62286 (June 11, 2010), 75 FR 34799 (June 18, 2010) (SR-CBOE-2010-051) (“PULSe Approval Order”). The Exchange is aware of only one other national securities exchange that offers an OEMS. See Nasdaq Precise, information available at Nasdaq Precise | Nasdaq. Examples of non-U.S. securities exchange affiliated providers (the majority of which are broker-dealers) of OEMSs that compete with Cboe Silexx include SS&C Technologies (Eze), FlexTrade Systems (FlexTRADER and other products), TS Imagine (TS One and TradeSmart), LSEG Data & Analytics (formerly Refinitiv) (REDI), Bloomberg (execution management system), Factset (formerly Portware) (execution management system), Neovest (execution management systems), Dash Financial Technologies (execution management systems), and Wolverine Execution Services (WEX Trading Platform).

<sup>8</sup> For example, use of the Silexx platform (and prior OEMSs offered by Exchange affiliates) is optional and completely within the discretion of the user and is not required to access the Exchange.

<sup>9</sup> For example, orders submitted to the Exchange via Silexx are handled in the same manner by the Exchange as orders submitted to the Exchange via any other OEMS platform. All OEMSs that offer the ability to establish connectivity to the Exchange use the same technical specifications to submit messages through those connections. See Cboe US Options FIX Specification, available at: US Options FIX Specification (cboe.com); and Cboe Options Exchange Binary Order Entry Specification, available at: US Options BOE Specification (cboe.com). Per these specifications, FIX and BOE messages contain no fields or indicators for which OEMS platform was used to send the order to the Exchange.

<sup>10</sup> 17 CFR 240.3b–16(a)(2). What OEMS platform was used to generate and send an order for execution is unrelated to how that order will be handled and executed on the Exchange.

<sup>11</sup> For example, prior to their acquisitions by CGM (or its predecessor) in 2015 and 2017, the Livevol and Silexx platforms, respectively, were offered in substantially the same manner as they are offered as part of the CGM organization. However, the prior owners of those platforms did not have to submit rule filings to operate or enhance those platforms and were not otherwise subject to the requirements of the Act.

<sup>12</sup> See, e.g., Silexx Approval Order and Livevol Approval Order.

<sup>13</sup> The Exchange notes it currently offers certain port fee waivers to users of the Silexx platform and different pricing for certain functionality to TPHs and non-TPHs. Because the Commission has required the Exchange to submit rule filings regarding the Silexx platform due to the Commission's view that it is a facility of the Exchange, Cboe Silexx operated at a competitive disadvantage compared to its competitors as a result of it being subject to rule filing requirements. At the Commission's request, in connection with representations Cboe Options made in prior rule filings, Cboe Options and Cboe Silexx adopted procedures and internal controls reasonably designed to prevent Cboe Silexx from unfairly receiving an advantage due to receipt of confidential information as a result of its relationship with Cboe Options in connection with the platform or any other business activities. Therefore, despite being a facility of the Exchange, Cboe Silexx was still required to be on the same footing as a similarly situated third-party vendor with respect to things such as system updates. To offset this competitive disadvantage, the Exchange adopted port fee waivers. While the Exchange acknowledges the ability to provide this pricing may demonstrate that the Exchange's ability to act with Cboe Silexx, the Exchange notes affiliation is not required to offer such pricing, as it would be technologically possible to provide port fee waivers to users of any OEMS, as the Exchange could request what type of OEMS would be connected to a port when such port is purchased in the same manner it did to determine that a port was for a Silexx platform (such pricing would subject to Commission review in the same manner as the Silexx pricing was). However, as discussed below, if the Exchange adopted procedures and internal controls in accordance with proposed Rule 3.66, those barriers would prevent Cboe Silexx or any other Exchange-affiliated OEMS to adopt such fees without submission of a rule filing.

<sup>14</sup> See 15 U.S.C. 78c(a)(1) and (2) (definitions of “exchange” and “facility”).

<sup>15</sup> See 15 U.S.C. 78c(a)(27) (definition of “rules of an exchange”).

the same manner as orders from any other OEMSs.

To provide clarity and transparency within its Rulebook, the Exchange proposes to adopt Rule 3.66 to provide that an OEMS platform operated in a manner independent from the Exchange despite affiliation with the Exchange will not be deemed a facility of the Exchange. Specifically, proposed Rule 3.66 provides that for so long as the Exchange provides or is affiliated with any entity that provides, or the Exchange or an affiliate has a contractual relationship with any entity that provides, an OEMS platform, such OEMS will not be regulated as a facility of the Exchange (as defined in section 3(a)(2) of the Act) and thus not subject to section 6 of the Act if:

(a) use of the OEMS is voluntary (*i.e.*, solely within the discretion of a TPH) and not required for a TPH to access to the Exchange (*i.e.*, the OEMS is a nonexclusive means of access to the Exchange);

(b) if a TPH using the OEMS establishes a direct connection to the Exchange via an Exchange port, that connection is established in the same manner and in accordance with the same terms, conditions, and fees as any third-party OEMS as set forth in the Exchange's Rules, technical specifications, and Fees Schedule;

(c) the OEMS (or the entity that owns the OEMS) is not a registered broker-dealer;

(d) for any orders ultimately routed through the OEMS to the Exchange:

(1) users and their brokers are solely responsible for routing decisions; and

(2) the Exchange processes those orders in the same manner as any other orders received by the Exchange (*i.e.*, orders submitted through the OEMS to the Exchange receive no preferential treatment on the Exchange);

(e) any fees charged to a user of the OEMS are unrelated to that user's Exchange activity or to Exchange fees set forth on the Exchange's fees schedule;

(f) the OEMS and its users use any premises or service from the Exchange that is a facility, such as market data, pursuant to the same terms, conditions, and fees as any other user of Exchange premises and services as set forth in the Exchange's Rules, technical specifications, and Fees Schedule;

(g) a third-party not required to register as a national securities exchange under section 6 of the Act can offer a similar OEMS; and

(h) the Exchange has established and maintains procedures and internal controls reasonably designed to prevent the OEMS from receiving any

competitive advantage or benefit as a result of its affiliation/relationship with the Exchange, including the provision of information to the entity or personnel operating the OEMS regarding updates to the System (such as technical specifications) until such information is available generally to similarly situated market participants.<sup>16</sup>

The Exchange believes proposed Rule 3.66 will provide clarity regarding when an OEMS platform does not constitute a facility of the Exchange in a manner that ensures an OEMS platform (and orders its[sic] ends[sic] to the Exchange) would receive no advantage over any other OEMS platform (and orders send[sic] from that platform to the Exchange), regardless of its affiliation or relationship with the Exchange.<sup>17</sup>

## 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with 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>18</sup> Specifically, the Exchange believes the proposed rule change is consistent with the section 6(b)(5)<sup>19</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>20</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

<sup>16</sup> This proposed rule change refers to any OEMS that satisfies the criteria of proposed Rule 3.66 as a ("Rule 3.66 OEMS"). If the Commission approves this rule filing, the Exchange intends to propose in a separate rule filing to delete the Silexx Fee Schedule from its Rules, as the Exchange believes the Silexx platform is a Rule 3.66 OEMS.

<sup>17</sup> The Exchange notes it may be possible for an OEMS platform provided by an Exchange affiliate or an entity with which the Exchange has a business relationship to satisfy a subset of these criteria or a different set of criteria and still not be a facility of the Exchange. However, the proposed rule provides certainty with respect to the non-facility status of an OEMS provided by an Exchange affiliate or an entity with which the Exchange has a business relationship that meets this set of criteria.

<sup>18</sup> 15 U.S.C. 78f(b).

<sup>19</sup> 15 U.S.C. 78f(b)(5).

<sup>20</sup> *Id.*

In particular, the Exchange believes proposed Rule 3.66 is consistent with the Act, because it 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. It will permit substantially similar OEMS platforms in the industry to compete on equal footing if they operate with respect to securities exchanges in the same manner, regardless of their affiliation or other relationship with a securities exchange. While the rules of an exchange generally impose requirements on its members and not itself, the Exchange believes it is appropriate to adopt proposed Rule 3.66, despite it describing circumstances in which the Exchange will not submit rule filings.<sup>21</sup> The Exchange believes it is appropriate to adopt Rule 3.66 as a stated interpretation of the Exchange, as it will provide transparency and certainty regarding when an OEMS platform offered by an affiliate or otherwise by the Exchange is not a facility of the exchange. The Exchange believes[sic] will benefit the public as it will contribute to the provision of a competitive market for these important tools used by market participants, thus making it appropriate to be filed as a rule of the Exchange.<sup>22</sup> Similarly, the Exchange believes descriptions of functionality and fees regarding Rule 3.66 OEMSs, despite their relationship with the Exchange, do not constitute "rules of an exchange,"<sup>23</sup> as such OEMSs are not facilities of an exchange and thus are not subject to regulation by the Commission under section 6(b)(5) or section 19(b) of the Act.

## D.C. Circuit Test

Based on the Exchange's review of relevant facts and circumstances, the Exchange has concluded that a Rule 3.66 OEMS would not be a facility that is part of the Exchange, and thus is not subject to the SRO rule filing requirements under the Act. To determine whether a service or property is a facility of the Exchange subject to the rule filing requirements of section 19(b) of the Act, it must be determined

<sup>21</sup> Other Rules impose certain restrictions on the Exchange, including with respect to permissible affiliations. *See, e.g.*, Rule 3.62 (which restricts the Exchange's ability to acquire or maintain an interest in a TPH).

<sup>22</sup> 15 U.S.C. 78c(a)(27) (defines the term "rules of an exchange" to include, among other things, the "stated policies, practices, and interpretations of such exchange . . . as the Commission, by rule, may determine to be necessary or appropriate in the public interest or for the protection of investors to be deemed to be rules of such exchange . . .").

<sup>23</sup> *Id.*

whether the service or property satisfies a two-pronged test (“D.C. Circuit Test”):

1. the service or property must fall within the definition of “facility” in section 3(a)(2) of the Act; and
2. the service or property must be the type of facility that is part of the definition of “exchange” in section 3(a)(1) of the Act.<sup>24</sup>

#### D.C. Circuit Test Prong 1: A Rule 3.66 OEMS Does Not Fall Within the Definition of “Facility”

Pursuant to the first prong of the D.C. Circuit Test, the Exchange first considers whether a Rule 3.66 OEMS fits within the definition of a facility. Section 3(a)(2) of the Act defines “facility” as follows:

The term “facility” when used with respect to an exchange includes its premises, tangible or intangible property whether on the premises or not, any right to the use of such premises or property or any service thereof for the purpose of effecting or reporting a transaction on an exchange (including, among other things, any system of communication to or from the exchange, by ticker or otherwise, maintained by or with the consent of the exchange), and any right of the exchange to the use of any property or service.<sup>25</sup>

#### The Exchange Has No Right To Use a Rule 3.66 OEMS for Purposes of Effecting or Reporting a Transaction

The Exchange asserts that it does not have any right to use a Rule 3.66 OEMS for the purpose of effecting or reporting a transaction on an exchange nor is a Rule 3.66 OEMS a system of communication to or from the Exchange maintained by or with the consent of the Exchange. As discussed above, one main function of an OEMS platform is for market participants to use it to create, enter, and route orders to trade securities (and non-securities) for execution (either directly to trading venues or to other market participants).<sup>26</sup> Market participants may, among other things, use OEMS platforms to enter and route orders for ultimate execution at a trading venue, which may cause an OEMS to be deemed to be used for the “purpose of effecting or reporting a transaction on an exchange” under the facility definition. However, the Exchange has no right to use a Rule 3.66 OEMS (or any OEMS) for that purpose. Use of an OEMS for purposes of effecting or reporting a

transaction to the Exchange (or any exchange) is solely within the discretion of the OEMS user. The Exchange does not handle any orders for the purpose of execution until those orders are received by its order handler and matching engine system. As further discussed below, this happens after an order message passes through an Exchange port and into the Exchange’s core trading system. Such an order message has no indication of from which OEMS the order message originated, including if it was from a Rule 3.66 OEMS, and thus the Exchange’s handling an execution of the message occurs in accordance with its Rules. As proposed in Rule 3.66, a Rule 3.66 OEMS would have in place procedures and internal controls that would prevent the OEMS from receiving any competitive advantage as a result of its affiliation or relationship with the Exchange.<sup>27</sup> Because the Exchange (as further discussed below) handles and executes all orders it receives in a nondiscretionary manner pursuant to its Rules, the Exchange has no influence over or right to use a Rule 3.66 OEMS for purposes of effecting or reporting transactions.

#### A Rule 3.66 OEMS Is Not a System of Communication Maintained by or With the Consent of the Exchange

Similarly, the Exchange notes that a Rule 3.66 OEMS is not a system of communication to or from the Exchange maintained by or with the consent of the Exchange. As noted above, users of OEMS platforms<sup>28</sup> may establish direct connectivity from the computer systems on which those platforms reside to the Exchange—only after separately purchasing a port from the Exchange and connecting their systems on which the OEMSs lie to that port. While it is possible this may cause the OEMS to be deemed part of a “system of communication to or from the exchange,” a Rule 3.66 OEMS is still not maintained with the consent of the Exchange, as required by the facility definition. Such an OEMS is not a system of communication to or from the Exchange provided for the purpose of executing and managing securities trades on the Exchange,<sup>29</sup> but rather on an exchange (or other trading venue). As required by proposed Rule 3.66(a), a Rule 3.66 OEMS (and OEMS platform,

for that matter) is a voluntary, nonexclusive means of access to the Exchange. Market participants may or may not use a specific OEMS, including a Rule 3.66 OEMS, to submit orders for execution at the Exchange. For example, it is possible that a user of a Rule 3.66 OEMS never has a single order it sends from that OEMS execute on the Exchange. Additionally, use of a Rule 3.66 OEMS (or any OEMS for that matter) is not required to access the Exchange.

#### Use of a Rule 3.66 OEMS Is Not Required To Access the Exchange

Use of a Rule 3.66 OEMS does not require the user to establish a direct connection to the Exchange or any other trading venue. In fact, many users of a Rule 3.66 OEMS may not establish a direct connection to the Exchange<sup>30</sup> and instead will use an OEMS platform to route orders to other market participants (such as brokers) for ultimate routing for execution, which may be done through the same or different OEMS platform.<sup>31</sup> In this case, the OEMS platform would have no connectivity in any form to the Exchange’s core trading system and thus does not fall within the definition of a facility.<sup>32</sup> Unlike what is required for a product or service to be considered a facility, with respect to execution of orders, the purpose of providing an OEMS platform (including a Rule 3.66 OEMS) is not to effect a transaction on the Exchange specifically; the primary

<sup>30</sup> In other words, users of a Rule 3.66 OEMS may decide to not purchase a port from the Exchange, which is required to submit an order to the Exchange for execution. Purchase of a port from the Exchange is a separate from and unlike[sic] to the purchase of a Rule 3.66 OEMS. Additionally, only a TPH may purchase a port from the Exchange, so users of an OEMS that are not TPHs may never establish direct connectivity to the Exchange.

<sup>31</sup> The SEC previously determined that a neutral communications service that allows an exchange’s members to and non-members to route orders to one another and to execute orders they receive through that system as they deem fit, but which service does not effect trade executions or report executed trades to the consolidated tape[sic]. See Securities Exchange Act Release No. 56237 (August 9, 2007), 72 FR 46118 (August 16, 2007) (SR-NASDAQ–2007–043) (the Commission noted that it was “not possible for an order to be routed to the Nasdaq Market Center via the ACES system”). Any OEMS user that does not establish direct connectivity to an Exchange (which is the case for the vast majority of current Silexx users) would thus be using that OEMS merely to route orders, which according to the Commission would cause the OEMS to not be a facility of the Exchange. See *id.* The Exchange notes that as of January 30, 2024, of the approximately 700 Silexx platform user log-ins, only 275 of those users have access to a FIX port that connects to the Exchange, and thus the majority of Silexx platform users are able to use Silexx only as a communications service to route orders to other users, which use the Commission has already deemed to be outside the definition of a facility of an Exchange.

<sup>32</sup> See *id.*

<sup>24</sup> *Intercontinental Exch., Inc. (ICE), et al. v. SEC*, 23 F.4th 1013, 1024 (D.C. Cir. 2022) (“... only the rules of an SRO are subject to a filing requirement, and the rules of a facility are not rules of an SRO unless that facility is part of an SRO.”)

<sup>25</sup> 15 U.S.C. 78c(a)(2).

<sup>26</sup> As noted above, OEMS platform provides users with additional functionality.

<sup>27</sup> The Exchange notes Silexx and other OEMS previously operated by an affiliate of the Exchange have adopted information barriers that satisfy this proposed requirement.

<sup>28</sup> This includes Silexx as well as third-party OEMSs that have no affiliation or contractual relationship with the Exchange.

<sup>29</sup> See *ICE*, 23 F.4th at 1023.

purpose instead is to effect a transaction at any applicable trading venue. Moreover, the market for OEMS platforms is diverse enough such that, even if the Exchange did not submit rule filings related to a Rule 3.66 OEMS (such as for fees to use the OEMS), the Exchange would not be able to exploit its control over the marketplace for OEMS platforms to increase the costs of or limit access to the Exchange. Market participants would be able to use other OEMSs to access the Exchange in the same manner as a Rule 3.66 OEMS.<sup>33</sup>

Even if a TPH using a Rule 3.66 OEMS purchases a port from the Exchange and establishes a direct connection between its computer systems on which the OEMS platform has been installed and the Exchange, the Rule 3.66 OEMS is still not connected to the Exchange's core trading system (see diagram below). Instead, the connection occurs at the Exchange customer switch. It is at this switch where TPHs may purchase and obtain access to ports from the Exchange, through which order messages are sent into the Exchange's order handler and matching engine. A port ultimately creates a connection between two separate systems—the TPH's system on which an OEMS may reside and the Exchange's core trading system. If a TPH has a Rule 3.66 OEMS installed on its

computer system, the TPH could determine to separately purchase a port and connect that port to that computer system. The port is a system of communications to the Exchange that transmits messages from the connecting TPH's system (on which an OEMS platform may be installed) to the Exchange's order handler and matching engine, where orders are actually handled and executed, which port is maintained with the consent of the Exchange and thus constitutes a facility of the Exchange.<sup>34</sup> On the other hand, the OEMS platform (which software was installed on the TPH's computer system—a non-Exchange system) that connects to the port (*i.e.*, an Exchange-maintained system of communication) does not cause the OEMS software (including if a Rule 3.66 OEMS) to become integrated with (and thus part of) that system of communication. As discussed above, ports receive and route to the appropriate place within the Exchange's core trading system FIX or BOE messages that contain no information identifying from what OEMS the messages originated. In other words, ports are Exchange-provided conduits through which messages are sent from a non-Exchange system (the TPH's system, which may contain an OEMS platform, including a Rule 3.66 OEMS platform) to an Exchange system

(the Exchange's order handler and matching engine system). A Rule 3.66 OEMS and an Exchange port are independently maintained and operated systems—the port by the Exchange and the Rule 3.66 OEMS by the OEMS provider<sup>35</sup> and OEMS user. Any TPH may establish direct connectivity to the Exchange by obtaining a port and connecting at the customer switch, regardless of what OEMS or other product it uses to submit orders to the Exchange. While the connection must occur with the consent of the Exchange, because a TPH must purchase a port from the Exchange, and the Exchange must then assist with establishing the physical connection at the customer switch, any TPH that purchases a port establishes this physical connection at the same place and in the same manner (and subject to the same fees set forth in the Exchange's Fees Schedule), regardless of the OEMS that TPH uses.

As noted above, the purchase of a port from the Exchange is a separate transaction from the purchase of a Rule 3.66 OEMS log-in.<sup>36</sup> The port itself is a facility of the Exchange (and thus subject to rule filings), but a port and a computer system on which an OEMS is installed that connects to the customer switch to access a port are completely separate systems, as demonstrated below:



The port is ultimately an Exchange-provided conduit through which messages a TPH wants to send to the Exchange (including order messages sent for execution on the Exchange) travel. The Exchange takes no part in the creation or submission of those messages, which is within the TPH's sole discretion. In this sense, a TPH using a Rule 3.66 OEMS connects to the Exchange's trading system with the Exchange's consent, but it does so in the same way that a TPH using any OEMS platform connects to the Exchange with its consent and is untethered to the TPH's usage of an OEMS.<sup>37</sup> The systems on which OEMS platforms reside are

outside of the Exchange's trading systems and infrastructure. Ultimately, the Exchange's consent to sell a port to a TPH is what permits a TPH to establish a connection to the Exchange's core trading system, which consent is unrelated to any software (including a Rule 3.66 OEMS) or hardware the TPH uses to submit an order to the Exchange through that port. While a system does not need to be directly connected to the Exchange's matching engine to be deemed a facility, it needs to be part of a necessary link in the chain of communication that facilitates access to, and trading activity on, the Exchange.<sup>38</sup> An OEMS platform, including a Rule

3.66 OEMS, is not a necessary link in this chain, as it is not required to access the Exchange or engage in trading on the Exchange. Instead, a Rule 3.66 OEMS (or any OEMS for that matter) is one possible means for a TPH to access the chain of communication that facilitates access to, and trading activity on, the Exchange. A market participant's purchase of an OEMS log-in, even if a Rule 3.66 OEMS, is unrelated to whether the market participant intends to engage in trading options on the Exchange. Unlike an Exchange port, which a TPH likely purchases for the specific reason of submitting orders to the Exchange for execution (as the port

<sup>33</sup> Contrast with SEC Reply Brief, *ICE v. SEC* at 4.

<sup>34</sup> See Cboe Fees Schedule (which contains fees for various ports).

<sup>35</sup> As required by proposed Rule 3.66, the Exchange would have in place procedures and internal controls that would prevent it from providing an affiliated OEMS provider with any competitive advantage over other OEMS providers. Additionally, proposed Rule 3.66 would codify that

users and their brokers are solely responsible for routing decisions of orders through a Rule 3.66 OEMS (this is true today of any OEMS) and that the Exchange processes all orders it receives in the same manner (which is also true today).

<sup>36</sup> As the Commission previously stated, it would be possible to tie fees of a non-facility to fees for, or usage of, any Exchange services, which fees would then be subject to the rule filing requirements of section 19(b) of the Act. See *id.* at

46119. Therefore, the fact that, for example, the Exchange adopted fees that tied the Silcex platform to an Exchange usage fee (as noted above) does not on its face cause the Silcex platform to become a facility of the Exchange. Rather, it would just require the Exchange to file the fee with the Commission.

<sup>37</sup> See proposed Rule 3.66(b).

<sup>38</sup> See SEC Reply Brief, *ICE v. SEC* at 33.

would serve no purpose other than for the TPH to submit orders to the Exchange), a TPH (or any market participant) purchases an OEMS log-in for the specific reason of creating and submitting securities orders (as well as non-securities), which orders may execute only after being routed to a broker or with submission into a separately purchased exchange port—the OEMS can serve this purpose for any execution venue and not solely the Exchange. In the chain of communication that facilitates access to, and trading activity on, the Exchange, an Exchange-provided port is the first necessary link in this chain. No OEMS platform is required to access the Exchange and thus is not a necessary link in this chain, even an OEMS platform happens to be offered by an Exchange affiliate.

Further, because any Rule 3.66 OEMS would not be a registered broker-dealer,<sup>39</sup> any order submitted for execution from an OEMS platform would need to be handled and submitted to the Exchange for execution only by a TPH (which must be a broker-dealer). Many OEMS users are non-brokers, which would require an interim step for those users' orders to take before those orders could possibly end up at the Exchange for execution. Additionally, only a TPH may submit an order into the Exchange for execution, which could create an additional step that needs to be taken before an order can ultimately end up at the Exchange.<sup>40</sup> The OEMS user and its broker, if applicable, that ultimately routes an order for execution have sole responsibility for any routing decision for that order, including the decision regarding to where the orders should be routed for execution (to the Exchange or elsewhere).<sup>41</sup> Entry into an OEMS is merely one of many steps in an order's path to ultimate execution at a trading venue, which occurs outside of the Exchange's core system and outside the data centers at which the Exchange's system equipment resides (such as NY4).<sup>42</sup>

While purchase of an Exchange port by a TPH using a Rule 3.66 OEMS would establish a connection from that TPH's computer system operating the OEMS software to the Exchange's trading system, it is not required or vital and is in fact explicitly not required to access the Exchange's trading system.<sup>43</sup> Any TPH that establishes a direct connection between its computer systems operating any OEMS does so only upon purchase of a port from the Exchange with the Exchange's consent, in the same manner, and at the same customer-facing location within the Exchange's data center cage (the customer switch). Purchase of a log-in for a Rule 3.66 OEMS does not on its own establish access to the Exchange's trading system. A TPH using a Rule 3.66 OEMS would need to receive separately from the Exchange the same consent (*i.e.*, sale of a port) to establish this connection as a TPH using any other OEMS. Additionally, a Rule 3.66 OEMS could exist without the consent of an Exchange and does not owe its existence to the consent of the Exchange.<sup>44</sup> For example, if CGM sold Cboe Silexx, it would have no material impact on how the Silexx platform is operated or maintained. Further, if the Exchange shutdown, the Silexx platform would continue to be used in the same manner as it is today, with one fewer ultimate execution venue.

#### D.C. Circuit Test Prong 2: A Rule 3.66 OEMS Does Not Fall Within the Definition of "Exchange"

Even if it is determined that an OEMS fits within the statutory definition of "facility," "satisfying the statutory definition of 'facility' in Section 3(a)(2) [of the Act] is . . . not sufficient to subject a facility to the jurisdiction of the Commission; it must also be the type of facility that section 3(a)(1) [of the Act] includes in the term 'exchange.'"<sup>45</sup>

together provide the infrastructure at the exchanges' data centers that facilitate interactions between buyers and sellers). A Rule 3.66 OEMS is operated outside of the Exchange's data center, the "nerve center" of the Exchange's operations. *See id.* at 38.

<sup>43</sup> *See ICE*, 23 F.4th at 1023 (finding that a connection being a "vital and proximate link in a system of communication" is a factor as to whether the functionality is a facility of the exchange).

<sup>44</sup> *See id.* This is evidenced by the fact that OEMSs provided by entities that became affiliated with the Exchange (such as Silexx and Livevol) due to acquisition by the Exchange's parent company operated in a substantially similar manner after such acquisition as they did prior to such acquisition (when they were unaffiliated with the Exchange). Any upgrades made to those platforms after becoming affiliated with the Exchange, such as added functionality, could have occurred in the same manner if the Exchange's parent company had never purchased the entities providing those OEMSs.

<sup>45</sup> *See id.* at 1024.

section 3(a)(1) of the Act defines "exchange" as follows:

The term "exchange" means any organization, association, or group of persons, whether incorporated or unincorporated, which constitutes, maintains, or provides a market place or facilities for bringing together purchasers and sellers of securities or for otherwise performing with respect to securities the functions commonly performed by a stock exchange as that term is generally understood, and includes the market place and the market facilities maintained by such exchange.<sup>46</sup>

Rule 3b–16 under the Act provides further clarity regarding what does and does not constitute an exchange for purposes of the Act. It states that "[a]n organization, association, or group of persons shall be considered to constitute, maintain, or provide 'a market place or facilities for bringing together purchasers and sellers of securities or for otherwise performing with respect to securities the functions commonly performed by a stock exchange,' as those terms are used in [S]ection 3(a)(1) of the Act . . . if such organization, association, or group of persons: (1) [b]rings together the orders for securities of multiple buyers and sellers; and (2) [u]ses established, non-discretionary methods (whether by providing a trading facility or by setting rules) under which such orders interact with each other, and the buyers and sellers entering such orders agree to the terms of a trade."<sup>47</sup> It goes on to state that "[a]n organization, association, or group of persons shall not be considered to constitute, maintain, or provide 'a market place or facilities for bringing together purchasers and sellers of securities or for otherwise performing with respect to securities the functions commonly performed by a stock exchange,' solely because such organization . . . [r]outes orders to a national securities exchange . . . ."<sup>48</sup>

The Exchange believes a Rule 3.66 OEMS is outside the definition of an exchange, as (1) Rule 3b–16 explicitly excludes OEMS functionality from that definition and (2) the provider of such an OEMS (Cboe Silexx or otherwise) and the Exchange together do not constitute a "group of persons" that is providing a marketplace for the purpose of "bringing together purchasers and sellers of securities or for otherwise performing with respect to securities the functions commonly performed by a stock exchange . . . ."<sup>49</sup>

<sup>46</sup> 15 U.S.C. 78c(a)(1).

<sup>47</sup> 17 CFR 240.3b–16(a).

<sup>48</sup> 17 CFR 240.3b–16(b).

<sup>49</sup> As noted above, Cboe Silexx is an affiliate of the Exchange that offers and operates the Silexx

<sup>39</sup> *See* proposed Rule 3.66(c).

<sup>40</sup> For example, suppose a non-broker customer uses an OEMS (including an OEMS offered by an Exchange affiliate, such as Silexx). If that customer wanted to execute an order on the Exchange, it would first need to route the order from its OEMS to its broker. At that point, the broker, if a TPH that has established connectivity to the Exchange, can route the order to the Exchange (through the same or different or another OEMS); if not a TPH, the broker must route the order to a TPH (through the same or another OEMS), which TPH can then submit the order for execution on the Exchange (through the same or another OEMS).

<sup>41</sup> *See* proposed Rule 3.66(d).

<sup>42</sup> Compare with SEC Reply Brief, *ICE v. SEC* at 31 (stating that the exchanges and its affiliates



### A Rule 3.66 OEMS Is Excluded From the Definition of Exchange

The Exchange asserts that OEMS functionality is excluded from the definition of an Exchange. First, the development, maintenance, and sale of an OEMS does not fit within the definition of an exchange. An OEMS does not bring together purchasers and sellers of securities. Rather, market participants use an OEMS to route their securities orders (directly or indirectly) for execution at a facility that can match those purchasers and sellers (such as the Exchange, another national securities exchange, or trading venue). As discussed above, an order submitted through an OEMS may need to go through multiple steps and handled by multiple parties (including through a broker and TPH) before it may be executed on the Exchange, and such execution may ultimately take place on any exchange. If one market participant submits a buy order for a security and another market participant submits a sell order for the same security that is marketable with the buy order, despite those two orders being within the same OEMS network, the OEMS cannot bring those orders together for execution; instead, the OEMS sends those orders to trading venues (in accordance with the instructions of the users and their brokers), where the buy order is matched with a sell order and the sell order is matched with a buy order in accordance with the exchange's nondiscretionary methods used to match buyers and sellers.<sup>50</sup>

Second, the Act recognizes that order entry and routing to a national securities exchange for execution is not a function commonly performed by [an exchange]. As noted above, Rule 3b–16 under the Act states that an organization is not considered to provide a marketplace or facility for bringing together purchasers and sellers of securities or for otherwise performing with respect to securities the functions commonly performed by a stock exchange “*solely because such organization . . . [r]outes orders to a national securities exchange . . .*”<sup>51</sup>

platform. However, the Exchange is not arguing that being owned and operated by an entity separate from the Exchange is sufficient reason for an OEMS to not be considered a facility of an exchange. The Exchange is arguing, rather, that an entity operates an OEMS that satisfies the specified proposed criteria is not part of a group of persons with the Exchange.

<sup>50</sup> As set forth in proposed Rule 3.66(d)(2), the Exchange's system processes all orders it receives in the same manner, regardless of the OEMS used to submit the orders (the Exchange's order handler and matching engine are unable to distinguish from which OEMS and order was submitted, as order messages are submitted in the same format).

<sup>51</sup> 17 CFR 240.3b–16(b) (emphasis added).

An OEMS platform's interaction with the Exchange is solely its ability to route orders to the Exchange (and can only route orders directly to the Exchange if the TPH separately purchased an Exchange port, as discussed above). The Act explicitly excludes this function from the definition of an exchange, demonstrating the Commission's intent that systems whose purpose was to route orders to an exchange should not be subject to the rule filing process.

### A Rule 3.66 OEMS Provider Is Not Part of a Group of Persons With the Exchange

The Exchange also asserts that a Rule 3.66 OEMS is not part of a group of persons with the Exchange that together is performing and facilitating exchange functions and thus is not considered an exchange. An entity does not automatically become part of a group of persons with an exchange because such entity is affiliated with the exchange. As noted above, Commission staff previously advised the Exchange that its parent's acquisitions of entities that offered OEMS platforms was sufficient for those OEMS platforms to become Exchange facilities, despite those acquisitions resulting in no material changes to the operation of those platforms, and thus subjected to regulation by and the submission of rule filings to the Commission.<sup>52</sup> However, corporate affiliation is not determinative of what constitutes a “group of persons”; instead, the facts and circumstances around the relationship must be considered.<sup>53</sup> A Rule 3.66 OEMS is not maintained by the Exchange and is not part of a group of persons with the Exchange.

From a business perspective, an OEMS and the Exchange have different primary goals and thus a lack of unity of interests.<sup>54</sup> Despite being owned by the same parent, the Exchange and a Rule 3.66 OEMS are not closely

<sup>52</sup> Prior to their acquisitions by CGM's predecessor in 2015 and 2017, Livevol and Silexx, respectively, each were operated by a third-party entity in substantially the same manner as they were operated after the acquisitions (the Exchange notes it no longer offers a Livevol OEMS). The Exchange began filing rules for these OEMSs solely because their operated became affiliated with the Exchange. See Livevol Approval Order and Silexx Approval Order.

<sup>53</sup> “Unaffiliated entities engaged in joint ventures or other concerted activity may or may not, depending upon the circumstances, be considered a ‘group of persons’ . . . . On the other hand, one corporation that is affiliated with but not controlled by another may or may not, depending upon the circumstances, be considered a ‘group of persons’ . . . .” See *ICE*, 23 F.4th at 1024.

<sup>54</sup> See *ICE*, 23 F.4th at 1024–1025 (finding that a unity of interests between the affiliates was an important component of the finding that the affiliates were acting as a group of persons).

connected, as they have different principal functions. Specifically, the Exchange's principal function is to operate its market in accordance with the Act while a Rule 3.66 OEMS's function is to develop, maintain, and sell the OEMS platform for market participants (both TPHs and non-TPHs) to execute orders at one of many trading venues, which may or may not include the Exchange. The Exchange's business benefits from increased volume on its market (due to transaction fees), while an OEMS's business benefits from increased numbers of users (a user's executed volume generally has no impact on fees that user pays to the OEMS, which fees are generally based on log-ins and add-on functionality). While it is possible an increase in a Rule 3.66 OEMS users could lead to increased volume on the Exchange, it is also possible that such an increase in users results in no increase in volume on the Exchange.<sup>55</sup> Use of a Rule 3.66 OEMS would not be Exchange-specific, as users can ultimately send orders from a Rule 3.66 OEMS to execute on any exchange or trading venue. For example, if a market participant uses a Rule 3.66 OEMS, that market participant has the discretion to ultimately send no orders to the Exchange for execution. Additionally, proposed Rule 3.66 would require that any fees charged to a user of the OEMS are unrelated to that user's Exchange activity or to Exchange fees set forth in the Exchange's Fees Schedule.

Further, as noted above and as set forth in proposed Rule 3.66, use of a Rule 3.66 OEMS would be voluntary and not required to access the Exchange (as discussed above). The act of entering an order into and sending an order from a Rule 3.66 OEMS for execution would be one of many steps an order must take before potential execution at the Exchange (and one within sole discretion of the OEMS user and its broker), and that step often precedes other steps that other parties and other systems must take before ultimate execution at the Exchange. This is true even if the Rule 3.66 OEMS user is a TPH that has purchased a port to access the Exchange; market participants often connect to multiple trading venues, particularly brokers who need to seek best execution for their customers. The different primary business functions between the Exchange and a Rule 3.66 OEMS are ultimately not aligned and

<sup>55</sup> As noted above, the Exchange's system has no way to determine how many orders it receives from a specific OEMS, and the user of an OEMS may ultimately send no orders to the Exchange for execution.



thus demonstrate a lack of unity of interests between the Exchange and an OEMS affiliate. Under these circumstances, a Rule 3.66 OEMS would not be an integral part of the Exchange's system and, in fact, would be merely one of many options available for customers to use for execution and management of orders for securities.

Pursuant to proposed Rule 3.66, a Rule 3.66 OEMS would operate on a level-playing field with other OEMSs. Specifically:

- a user of a Rule 3.66 OEMS would establish connectivity to the Exchange in the same manner as a user of another OEMS;
- to the extent an order entered into a Rule 3.66 OEMS ultimately executes on the Exchange, the Exchange would process that order in the same manner as all other orders (the Exchange's order handling system and matching engine have no way to determine through what OEMS an order was entered);
- fees charged to the user of a Rule 3.66 OEMS would be unrelated to activity on the Exchange;
- access to Exchange market data through the OEMS would occur in accordance with the same terms and conditions applicable to any other user of that market data; and
- the Exchange would adopt information barriers designed to prevent the Rule 3.66 OEMS from receiving a competitive advantage or benefit based on its affiliation or relationship with the Exchange.<sup>56</sup>

The proposed criteria set forth in proposed Rule 3.66 would prevent the Exchange from acting in concert with a Rule 3.66 OEMS.<sup>57</sup> Despite being under the same corporate umbrella, these vastly different businesses would not be acting in concert, as they have completely different objectives.<sup>58</sup>

#### Elimination of Unfair Discrimination

Finally, the Exchange believes the proposed rule change is designed to

prevent unfair discrimination between customers, issuers, brokers, and dealers. As noted above, requiring the Exchange to submit rule filings for a Rule 3.66 OEMS causes operation of the OEMS to operate at a competitive disadvantage within the market. Elimination of this rule filing requirement will eliminate this discrimination against such an OEMS operator to the benefit of OEMS customers based on nothing more than corporate affiliation, despite such OEMS interacting with the Exchange in the same manner as any other OEMS that is subject to no rule filing requirement. The Exchange would ultimately treat a Rule 3.66 OEMS operator (and any messages it receives from that OEMS) in the same manner as any other OEMS operator.

#### *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 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 it has no impact on TPHs' or any market participants' ability to submit and execute orders on the Exchange. Market participants that are users of a Rule 3.66 OEMS would be able to use that platform in the same manner as they would if the OEMS were otherwise deemed a facility. As set forth in proposed Rule 3.66, the Exchange will handle all orders it receives in a nondiscretionary manner as set forth in its Rules, regardless of through which OEMSs the orders were submitted to the Exchange. Only TPHs will continue to be able to submit orders directly to the Exchange (using any OEMSs they choose) by purchasing ports in the same manner and in accordance with the Exchange Fees Schedule to establish a direct connection to the Exchange.

The Exchange does not believe 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 the Exchange believes it would improve competition among OEMSs and permit similarly situated products to compete on equal footing, ultimately benefitting all market participants that use these important tools. Other exchanges may adopt similar rules to establish the same clarity regarding affiliated OEMSs. This would ensure that all exchanges with affiliated OEMSs

will be subject to the same rule filing, or lack of rule filing, requirements.

The Exchange believes that the proposed rule change will relieve any burden on, or otherwise promote, competition. Other market participants (such as broker-dealers and market participants) generally offer OEMS platforms in the market. If an OEMS platform is deemed a facility of the Exchange solely because of its affiliation or relationship with the Exchange but is otherwise operating on equal terms as other OEMS platforms available in the market, that facility determination ultimately burdens competition within the OEMS market. The Exchange would be required to submit rule filings with respect to the OEMS platform's functionality and fees despite receiving no benefit from its relationship with the OEMS platform nor having any right to use the OEMS platform. However, other providers of OEMS platforms that compete with the Exchange-affiliated OEMS platform would not be subject to rule filing requirements or the other obligations to which exchanges are subject. The Exchange believes this competitive disadvantage for Exchange-affiliated OEMS platforms harms competition within the OEM market to the detriment of customers of these products. The Exchange believes the proposed rule change will level the playing field among OEMS platforms that are operating with respect to the Exchange in accordance with the same terms and conditions, which ultimately benefits customers.

#### *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 written 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>56</sup> See proposed Rule 3.66(b), (d)–(f), and (h). Information barriers are generally viewed as sufficient for TPHs to maintain different businesses. See, e.g., Rule 8.10 (which requires TPHs to establish, maintain, and enforce written policies and procedures reasonably designed to prevent the misuse of material, nonpublic information by such TPH or persons associated with such TPH). The Exchange notes it already has such information barriers in place with respect to Silexx.

<sup>57</sup> If the Commission approves this proposed rule change, Rule 3.66 would be subject to SEC oversight. As a result, the Commission would have the ability to confirm that the Exchange is complying with the requirements set forth in Rule 3.66 with respect to any affiliated OEMSs and thus ensure that the Exchange is operating with respect to such OEMSs in the same manner as it would with respect to any third-party OEMS.

<sup>58</sup> See *ICE*, 23 F.4th at 1024.

#### 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-CBOE-2024-008 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CBOE-2024-008. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change 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-CBOE-2024-008 and should be submitted on or before March 26, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>59</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2024-04548 Filed 3-4-24; 8:45 am]

**BILLING CODE 8011-01-P**

#### SECURITIES AND EXCHANGE COMMISSION

**[Investment Company Act Release No. 35150; File No. 812-15381]**

##### **First Trust Real Assets Fund, et al.**

February 28, 2024.

**AGENCY:** Securities and Exchange Commission ("Commission" or "SEC").

**ACTION:** Notice.

Notice of application for an order under section 17(d) and 57(i) of the Investment Company Act of 1940 (the "Act") and rule 17d-1 under the Act to permit certain joint transactions otherwise prohibited by section 17(d) and 57(a)(4) of the Act and rule 17d-1 under the Act.

**Summary of Application:** Applicants request an order to permit certain business development companies ("BDCs") and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

**Applicants:** First Trust Real Assets Fund; First Trust Private Credit Fund; First Trust Private Assets Fund; First Trust Alternative Opportunities Fund; Infinity Core Alternative Fund; Destiny Alternative Fund LLC; First Trust Hedged Strategies Fund; First Trust Capital Management L.P.; FT Alternative Platform I LLC; FT Offshore I LP; VCM Core Opportunities Fund LLC; FT Private Investment Platform I LLC; FT Real Estate Platform I LLC; Cornerstone Diversified Portfolio LP; Highland Capital Management Institutional Fund II LLC; Destiny Alternative Fund II LLC; CP Special Assets Fund LLC; Park Shore Multi Asset Strategy Fund LLC; FT Vest Hedged Equity Enhanced Income Fund LLC; Destiny Target Outcome Fund 2024-1 LLC; and Vivaldi Capital Management LP.

**Filing Dates:** The application was filed on August 23, 2022, and amended on January 19, 2023, and February 7, 2024.

**Hearing or Notification of Hearing:** An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may

request a hearing on any application by emailing the SEC's Secretary at [Secretarys-Office@sec.gov](mailto:Secretarys-Office@sec.gov) and serving the Applicants with a copy of the request by email, to the email address listed below for the relevant Applicant. Hearing requests should be received by the Commission by 5:30 p.m. on March 25, 2024 and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at [Secretarys-Office@sec.gov](mailto:Secretarys-Office@sec.gov).

**ADDRESSES:** The Commission: [Secretarys-Office@sec.gov](mailto:Secretarys-Office@sec.gov). Applicants: Marc D. Bassewitz, Esq., [mbassewitz@firsttrustcapital.com](mailto:mbassewitz@firsttrustcapital.com), and Veena K. Jain, Esq., [veena.jain@faegredrinker.com](mailto:veena.jain@faegredrinker.com).

**FOR FURTHER INFORMATION CONTACT:** Stephan N. Packs, Senior Counsel, or Terri G. Jordan, Branch Chief, at (202) 551-6825 (Division of Investment Management, Chief Counsel's Office).

**SUPPLEMENTARY INFORMATION:** For Applicants' representations, legal analysis, and conditions, please refer to Applicants' Second Amended and Restated Application, dated February 7, 2024, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at <http://www.sec.gov/edgar/searchedgar/legacy/companysearch.html>. You may also call the SEC's Public Reference Room at (202) 551-8090.

For the Commission, by the Division of Investment Management, under delegated authority.

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2024-04547 Filed 3-4-24; 8:45 am]

**BILLING CODE 8011-01-P**

#### SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270-770, OMB Control No. 3235-0750]**

##### **Proposed Collection; Comment Request; Extension: Rule 18a-8**

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA

<sup>59</sup> 17 CFR 200.30-3(a)(12).

Services, 100 F Street NE, Washington, DC 20549–2736.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (“PRA”) (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) is soliciting comments on the existing collection of information provided for in Rule 18a–8 (17 CFR 240.18a–8), 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 (“OMB”) for extension and approval.

Exchange Act Rule 18a–8 (17 CFR 240.18a–8) specifies the circumstances under which stand-alone security-based swap dealers (“SBSDs”), stand-alone major security-based swap participants (“MSBSPs”), bank SBSDs, and bank MSBSPs must notify the Commission about their financial or operational condition, as well as the form that the notice must take.

The Commission estimates that the total hour burden under Rule 18a–8 is approximately 5 burden hours per year, and the total cost burden is approximately \$0 per year. There has been no change in the estimated total hour and cost burdens since the last approval of this information collection.

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 collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted by May 6, 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: David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: February 29, 2024.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–04600 Filed 3–4–24; 8:45 am]

BILLING CODE 8011–01–P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–99624; File No. SR–NYSECHX–2024–05]

### Self-Regulatory Organizations; NYSE Chicago, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 7.19

February 28, 2024.

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> notice is hereby given that on February 16, 2024, the NYSE Chicago, Inc. (“NYSE Chicago” or the “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.19 to make additional pre-trade risk controls available to Entering Firms and Clearing Firms. The proposed rule change is available on the Exchange’s website at [www.nyse.com](http://www.nyse.com), at the principal office of the Exchange, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization 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 those 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 parts of such statements.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

#### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange proposes to amend Rule 7.19 to make additional pre-trade risk controls available to Entering Firms and Clearing Firms.

##### Background and Proposal

In 2020, in order to assist Participants’ efforts to manage their risk, the Exchange amended its rules to add Rule 7.19 (Pre-Trade Risk Controls),<sup>3</sup> which established a set of optional pre-trade risk controls by which Entering Firms and their designated Clearing Firms<sup>4</sup> could set credit limits and other pre-trade risk controls for an Entering Firm’s trading on the Exchange and authorize the Exchange to take action if those credit limits or other pre-trade risk controls are exceeded. These pre-trade risk controls include a Gross Credit Risk Limit, which is defined in Rule 7.19(b)(1) as “a pre-established maximum daily dollar amount for purchases and sales across all symbols, where both buy and sell orders are counted as positive values.” The current version of Rule 7.19(b)(1) specifies that both open and executed orders are considered: “[f]or purposes of calculating the Gross Credit Risk Limit, unexecuted orders in the Exchange Book, orders routed on arrival pursuant to Rule 7.37(a)(1), and executed orders are included.”

The Exchange has recently received several requests from market participants to create two additional Gross Credit Risk Limit risk controls: one that includes only open orders and another that includes only executed orders. Market participants have explained that Entering Firms and Clearing Firms would benefit from having more granular gross credit risk controls available, which would allow them to set limits and breach actions based solely on open orders or executed orders, in addition to the Exchange’s existing Gross Credit Risk Limit that includes both open and executed orders.

The Exchange notes that the MIAx Pearl equities exchange (“MIAx Pearl”) currently offers risk controls substantially similar to those proposed

<sup>3</sup> See Securities Exchange Act Release No. 88903 (May 19, 2020), 85 FR 31578 (May 26, 2020) (SR–NYSECHX–2020–14). Later, in 2023, the Exchange amended its rules to make additional pre-trade risk controls available to Entering Firms. See Securities Exchange Act Release No. 96920 (February 14, 2023), 88 FR 10592 (February 21, 2023) (SR–NYSECHX–2023–08).

<sup>4</sup> The terms “Entering Firm” and “Clearing Firm” are defined in Rule 7.19.

here. Specifically, MIAX Pearl offers its “Equity Members” and their “Clearing Members” the option to use a “Gross Notional Trade Value” risk check, which includes only executed orders, and a “Gross Notional Open Value” risk check, which includes only unexecuted orders, in addition to a “Gross Notional Open and Trade Value” risk check, for which both executed and unexecuted orders are included.<sup>5</sup> As such, market participants are already familiar with these various gross credit risk checks, such that the ones proposed by the Exchange in this filing are not novel.

In light of these requests, the Exchange proposes to amend Rule 7.19(b)(1) to rename the existing Gross Credit Risk Limit as “Gross Credit Risk Limit—Open + Executed,” and to add two additional risk limits: “Gross Credit Risk Limit—Open Only” and “Gross Credit Risk Limit—Executed Only.”

Specifically, the Exchange proposes to amend and reorganize Rule 7.19(b)(1) as follows. First, the Exchange would amend the language in the first sentence of the rule to refer to plural Gross Credit Risk Limits, instead of just one. At the end of the first sentence, the Exchange would add that “[a]vailable Gross Credit Risk Limits include” the three types described in new sub-sections (A), (B), and (C).

Proposed sub-section (A) would define the “Gross Credit Risk Limit—Open + Executed” risk check to include unexecuted orders in the Exchange Book, orders routed on arrival pursuant to Rule 7.37(a)(1), and executed orders (just as the current Gross Credit Risk Limit does).

Proposed sub-section (B) would define the “Gross Credit Risk Limit—Open Only” risk check to include only unexecuted orders in the Exchange Book and orders routed on arrival pursuant to Rule 7.37(a)(1).

Proposed sub-section (C) would define the “Gross Credit Risk Limit—Executed Only” risk check to include executed orders only.

In addition, the Exchange proposes to make a conforming change to section (c)(1)(B) of the rule, to make plural the current singular reference to “Gross Credit Risk Limit.”

As with the Exchange’s existing risk controls, use of the pre-trade risk controls proposed herein would be optional. The Exchange proposes no other changes to Rule 7.19 or its Commentary.

## Continuing Obligations of Participants Under Rule 15c3–5

The proposed Pre-Trade Risk Controls described here are meant to supplement, and not replace, the Participants’ own internal systems, monitoring, and procedures related to risk management. The Exchange does not guarantee that these controls will be sufficiently comprehensive to meet all of a Participant’s needs, the controls are not designed to be the sole means of risk management, and using these controls will not necessarily meet a Participant’s obligations required by Exchange or federal rules (including, without limitation, the Rule 15c3–5 under the Act<sup>6</sup> (“Rule 15c3–5”). Use of the Exchange’s Pre-Trade Risk Controls will not automatically constitute compliance with Exchange or federal rules and responsibility for compliance with all Exchange and SEC rules remains with the Participant.<sup>7</sup>

## Timing and Implementation

The Exchange anticipates implementing the proposed change in the first quarter of 2024 and, in any event, will implement the proposed rule change no later than the end of June 2024. The Exchange will announce the timing of such changes by Trader Update.

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act,<sup>8</sup> in general, and furthers the objectives of section 6(b)(5) of the Act,<sup>9</sup> in particular, because it is 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, and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

<sup>6</sup> See 17 CFR 240.15c3–5.

<sup>7</sup> See also Commentary .01 to Rule 7.19, which provides that “[t]he pre-trade risk controls described in this Rule are meant to supplement, and not replace, the Participant’s own internal systems, monitoring and procedures related to risk management and are not designed for compliance with Rule 15c3–5 under the Exchange Act. Responsibility for compliance with all Exchange and SEC rules remains with the Participant.”

<sup>8</sup> 15 U.S.C. 78f(b).

<sup>9</sup> 15 U.S.C. 78f(b)(5).

Specifically, the Exchange believes that the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed additional Pre-Trade Risk Controls would provide Entering Firms and Clearing Firms with enhanced abilities to manage their risk with respect to orders on the Exchange. The proposed additional Pre-Trade Risk Controls are not novel; they are based on existing risk settings already in place on MIAX Pearl and market participants are already familiar with the types of protections that the proposed risk controls afford.<sup>10</sup> As such, the Exchange believes that the proposed additional Pre-Trade Risk Controls would provide a means to address potentially market-impacting events, helping to ensure the proper functioning of the market.

In addition, the Exchange believes that the proposed rule change will protect investors and the public interest because the proposed additional Pre-Trade Risk Controls are a form of impact mitigation that will aid Entering Firms and Clearing Firms in minimizing their risk exposure and reduce the potential for disruptive, market-wide events. The Exchange understands that Participants implement a number of different risk-based controls, including those required by Rule 15c3–5. The controls proposed here will serve as an additional tool for Entering Firms and Clearing Firms to assist them in identifying any risk exposure. The Exchange believes the proposed additional Pre-Trade Risk Controls will assist Entering Firms and Clearing Firms in managing their financial exposure which, in turn, could enhance the integrity of trading on the securities markets and help to assure the stability of the financial system.

Finally, the Exchange believes that the proposed rule change does not unfairly discriminate among the Exchange’s Participants because use of the proposed additional Pre-Trade Risk Controls is optional and is not a prerequisite for participation on the Exchange.

## 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. In fact, the Exchange believes that the proposal will have a positive effect on competition because, by providing Entering Firms and Clearing Firms additional means to monitor and control risk, the proposed

<sup>5</sup> See MIAX Pearl Rule 2618(a)(2)(A), (C), and (E).

<sup>10</sup> See *supra* note 6.

rule will increase confidence in the proper functioning of the markets. The Exchange believes the proposed additional Pre-Trade Risk Controls will assist Entering Firms and Clearing Firms in managing their financial exposure which, in turn, could enhance the integrity of trading on the securities markets and help to assure the stability of the financial system. As a result, the level of competition should increase as public confidence in the markets is solidified.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The Exchange has filed the proposed rule change pursuant to section 19(b)(3)(A)(iii) of the Act<sup>11</sup> and Rule 19b-4(f)(6) thereunder.<sup>12</sup> Because the 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 prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)<sup>13</sup> normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),<sup>14</sup> the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under section 19(b)(2)(B)<sup>15</sup> of the Act to

determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-NYSECHX-2024-05 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-NYSECHX-2024-05. 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 10:00 a.m. and 3:00 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-NYSECHX-2024-05, and should be submitted on or before March 26, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>16</sup>

**Sherry R. Haywood,**  
*Assistant Secretary.*

[FR Doc. 2024-04552 Filed 3-4-24; 8:45 am]

BILLING CODE 8011-01-P

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-99622; File No. SR-NYSEARCA-2024-20]

**Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 7.31-E(a)(2)(B)**

February 28, 2024.

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> notice is hereby given that on February 16, 2024, NYSE Arca, Inc. ("NYSE Arca" or the "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to amend Rule 7.31-E(a)(2)(B) regarding Limit Order Price Protection. The proposed rule change is available on the Exchange's website at [www.nyse.com](http://www.nyse.com), at the principal office of the Exchange, and at the Commission's Public Reference Room.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization 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 those 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 parts of such statements.

<sup>16</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>11</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>12</sup> 17 CFR 240.19b-4(f)(6).

<sup>13</sup> 17 CFR 240.19b-4(f)(6).

<sup>14</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>15</sup> 15 U.S.C. 78s(b)(2)(B).

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend Rule 7.31–E(a)(2)(B) (“Limit Order Price Protection”) to provide for the application of Limit Order Price Protection during the Core Trading Session even where a contra-side NBB (NBO) has not been established.

Currently, Rule 7.31–E(a)(2)(B) provides that a Limit Order to buy (sell) will be rejected if it is priced at or above (below) the greater of \$0.15 or a specified percentage away from the National Best Offer (National Best Bid) (“NBO” and “NBB,” respectively),<sup>3</sup> and that Limit Order Price Protection will not be applied to an incoming Limit Order to buy (sell) if there is no NBO (NBB).

The Exchange has recently received requests from market participants to modify this rule so that during the Core Trading Session, Limit Order Price Protection would apply even when no contra-side NBB or NBO has been established. In such cases, market participants have suggested that the Limit Order Price Protection calculation should use an alternate reference price, such as the last consolidated round-lot price of the trading day or the prior trading day’s official closing price. That way, even if no contra-side NBB or NBO has been established, the Exchange would still apply Limit Order Price Protection using the best-available alternate reference price, thereby offering market participants greater protections against the execution of Limit Orders with aberrant prices during the Core Trading Session. The Exchange is aware that the Limit Order Price Protection rule on the MIAX Pearl equities exchange (“MIAX Pearl”) currently features such a hierarchy of reference prices, so that Limit Order Price Protection is applied to all Limit Orders, even where no contra-side NBB or NBO has been established.<sup>4</sup>

In light of these requests from market participants, the Exchange now

proposes to amend Rule 7.31–E(a)(2)(B) to provide a hierarchy of reference prices against which Limit Order Price Protection would apply during the Core Trading Session. As in the current rule, during the Core Trading Session, a Limit Order to buy (sell) would be rejected if it is priced at or above (below) the greater of \$0.15 or a specified percentage (as set forth in the accompanying table) away from the NBO (NBB). But if such NBO (NBB) has not yet been established, the Exchange would use as the reference price the last consolidated round-lot price of that trading day, or, if none, the prior trading day’s Official Closing Price.<sup>5</sup> This proposal is substantively identical to an immediately-effective rule change recently filed by the Exchange’s affiliate exchange, NYSE American LLC (“NYSE American”).<sup>6</sup>

As in the NYSE American filing, the Exchange does not propose for this change to apply during the Early and Late Trading Sessions. This is because with respect to both the Early and Late Trading Sessions, there is a higher likelihood that overnight news developments may move the market more than the percentages specified in the Limit Order Price Protection rule. If, in the absence of an NBO (NBB), such percentages were applied to the prior trading day’s Official Closing Price, this might lead the Exchange to reject orders that are appropriately trying to establish a quote at the new market level. For this reason, the Exchange believes the current rule should continue to govern during the Early and Late Trading Sessions, such that if there is no contra-side NBO (NBB), Limit Order Price Protection will not be applied.

Accordingly, the Exchange proposes to amend and reorganize Rule 7.31–E(a)(2)(B) into three sub-sections, with sub-section (i) describing the relevant reference prices during the Core Trading Session, sub-section (ii) describing the relevant reference price during the Early and Late Trading Sessions, and sub-

section (iii) describing the balance of the current rule.

Specifically, the Exchange proposes that new sub-section (i) of Rule 7.31–E(a)(2)(B) would provide that during the Core Trading Session, a Limit Order to buy (sell) will be rejected if it is priced at or above (below) the greater of \$0.15 or a specified percentage (as set forth in the accompanying table) away from “(a) the NBO (NBB), or, if none, (b) the last consolidated round-lot price of that trading day, or, if none, (c) the prior trading day’s Official Closing Price.”

The Exchange proposes that new sub-section (ii) of the rule would provide that during the Early and Late Trading Sessions, a Limit Order to buy (sell) will be rejected if it is priced at or above (below) the greater of \$0.15 or a specified percentage (as set forth in the accompanying table) away from the NBO (NBB), and that Limit Order Price Protection will not be applied to an incoming Limit Order to buy (sell) if there is no NBO (NBB).

Finally, the Exchange proposes that the balance of the current rule be moved to new sub-section (iii) after the new subtitle “Applicability.”

The Exchange does not propose to make any other changes to the rule, nor does it propose any changes to the \$0.15 or specified percentages used in the calculation of Limit Order Price Protection.

Implementation

The Exchange anticipates implementing the proposed change in the first quarter of 2024 and, in any event, will implement the proposed rule change no later than the end of June 2024. The Exchange will announce the timing of such changes by Trader Update.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act,<sup>7</sup> in general, and with section 6(b)(5),<sup>8</sup> in particular, because it is 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 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.

The Exchange believes that the proposed change would remove impediments to and perfect the

<sup>3</sup> For securities with a reference price between \$0.00 and \$25.00, the specified percentage is 10%; for securities with a reference price between \$25.01 and \$50.00, the specified percentage is 5%; and for securities with a reference price greater than \$50.00, the specified percentage is 3%.

<sup>4</sup> Under current MIAX Pearl rules, a Limit Order to buy (sell) will be rejected if it is priced at or above (below) the greater of a specified dollar and percentage away from (1) the PBO (PBB), or, if unavailable, (2) the consolidated last sale price disseminated during the Regular Trading Hours on trade date, or, if unavailable, (3) the prior day’s Official Closing Price. See MIAX Pearl Rule 2614(a)(1)(ix)(A).

<sup>5</sup> The Exchange’s proposed hierarchy of reference prices is substantially similar to the hierarchy in the MIAX Pearl rules. The only differences are that the Exchange’s proposal (a) would continue to reference the NBO (NBB) instead of the PBO (PBB), as the Exchange’s Limit Order Price Protection mechanism has always done; and (b) unlike the MIAX Pearl rule, which permits an odd lot to serve as “the consolidated last sale price disseminated during the Regular Trading Hours on trade date,” the Exchange’s proposal would instead use the last consolidated round-lot price of that trading day, which the Exchange believes is a better indication of actual market conditions. Both the MIAX Pearl rule and the Exchange’s proposed rule would use the prior trading day’s Official Closing Price as the reference price of last resort.

<sup>6</sup> See Securities Exchange Act Release No. \_\_ (SR–NYSEAMER–2024–11). [sic]

<sup>7</sup> 15 U.S.C. 78f(b).

<sup>8</sup> 15 U.S.C. 78f(b)(5).

mechanism of a free and open market and a national market system, and in general, protect investors and the public interest, because the use a substantially similar hierarchy of reference prices for the application of Limit Order Price Protection when no contra-side NBO or NBB has been established is currently in effect on MIAX Pearl and is the subject of an immediately-effective rule filing on NYSE American, and therefore is not novel.<sup>9</sup> The Exchange further believes that the proposed change would enhance the Exchange's Limit Order Price Protection mechanism during the Core Trading Session, because it would apply using the best-available alternate reference price when a contra-side NBO or NBB has not been established, thereby offering market participants greater protection from aberrant prices and improving continuous trading and price discovery. In addition, the proposal to enhance Limit Order Price Protection by adding alternative reference prices to apply to the Core Trading Session would assist with the maintenance of fair and orderly markets because such mechanisms protect investors from potentially receiving executions away from the prevailing market prices.

The Exchange also believes that it would protect investors and the public interest for the Exchange to maintain the current Limit Order Price Protection rule for the Early and Late Trading Sessions. With respect to both the Early and Late Trading Sessions, there is a higher likelihood that overnight news developments may move the market more than the percentages specified in the Limit Order Price Protection rule. If, in the absence of an NBO (NBB), such percentages were applied to the prior trading day's Official Closing Price, this might lead the Exchange to reject orders that are appropriately trying to establish a quote at the new market level. For this reason, the Exchange believes that, for the protection of investors and the public interest, the current rule should continue to govern during the Early and Late Trading Sessions, such that if there is no contra-side NBO (NBB), Limit Order Price Protection will not be applied.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change would not address competitive issues but rather would

enhance the Exchange's Limit Order Price Protection mechanism, to further protect market participants from aberrant prices and improve continuous trading and price discovery.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The Exchange has filed the proposed rule change pursuant to section 19(b)(3)(A)(iii) of the Act<sup>10</sup> and Rule 19b-4(f)(6) thereunder.<sup>11</sup> Because the 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 prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under section 19(b)(2)(B)<sup>12</sup> of the Act to determine whether the proposed rule change should be approved or disapproved.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-

NYSEARCA-2024-20 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-NYSEARCA-2024-20. 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 10:00 a.m. and 3:00 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-NYSEARCA-2024-20, and should be submitted on or before March 26, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>13</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2024-04550 Filed 3-4-24; 8:45 am]

**BILLING CODE 8011-01-P**

<sup>9</sup> See *supra* notes 5 and 6.

<sup>10</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>11</sup> 17 CFR 240.19b-4(f)(6).

<sup>12</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>13</sup> 17 CFR 200.30-3(a)(12).



**SMALL BUSINESS ADMINISTRATION**

[Disaster Declaration #20205 and #20206;  
WASHINGTON Disaster Number WA-20005]

**Presidential Declaration of a Major  
Disaster for the State of Washington;  
Correction**

**AGENCY:** U.S. Small Business  
Administration.

**ACTION:** Correction.

**SUMMARY:** This is a correction to the Presidential declaration of a major disaster for the State of Washington (FEMA-4759-DR), dated 02/15/2024.  
*Incident:* Wildfires.  
*Incident Period:* 08/18/2023 through 08/25/2023.

**DATES:** Issued on 02/27/2024.

*Physical Loan Application Deadline Date:* 04/20/2024.

*Economic Injury (EIDL) Loan Application Deadline Date:* 11/20/2024.

**ADDRESSES:** Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

**FOR FURTHER INFORMATION CONTACT:** Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** The notice of the President's major disaster declaration for the State of Washington, dated 02/15/2024 published at 89 FR 14125, in the middle column under **DATES**, is hereby corrected to change the physical loan application deadline date to 04/20/2024 and the economic injury loan application deadline date to 11/20/2024. Applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at [disastercustomerservice@sba.gov](mailto:disastercustomerservice@sba.gov) or by phone at 1-800-659-2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties (Physical Damage and Economic Injury Loans):* Spokane.  
*Contiguous Counties (Economic Injury Loans Only):*  
Washington: Lincoln, Pend Oreille, Stevens, Whitman  
Idaho: Kootenai, Benewah, Bonner  
The Interest Rates are:

	Percent
<i>For Physical Damage:</i> Homeowners with Credit Available Elsewhere .....	5.000

	Percent
Homeowners without Credit Available Elsewhere .....	2.500
Businesses with Credit Available Elsewhere .....	8.000
Businesses without Credit Available Elsewhere .....	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	2.375
Non-Profit Organizations without Credit Available Elsewhere .....	2.375
<i>For Economic Injury:</i> Business and Small Agricultural Cooperatives without Credit Available Elsewhere .....	4.000
Non-Profit Organizations without Credit Available Elsewhere .....	2.375

The number assigned to this disaster for physical damage is 202055 and for economic injury is 202060.

(Catalog of Federal Domestic Assistance Number 59008)

**Francisco Sánchez, Jr.,**

*Associate Administrator, Office of Disaster Recovery & Resilience.*

[FR Doc. 2024-04617 Filed 3-4-24; 8:45 am]

**BILLING CODE 8026-09-P**

**SMALL BUSINESS ADMINISTRATION**

[Disaster Declaration # 20209; Wisconsin Disaster Number WI-20000 Declaration of Economic Injury]

**Administrative Declaration of an  
Economic Injury Disaster for the State  
of Wisconsin**

**AGENCY:** Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of Wisconsin dated 02/27/2024.

*Incident:* Severe Drought.  
*Incident Period:* 11/21/2023 and continuing.

**DATES:** Issued on 02/27/2024.

*Economic Injury (EIDL) Loan Application Deadline Date:* 11/27/2024.

**ADDRESSES:** Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

**FOR FURTHER INFORMATION CONTACT:** Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the Administrator's EIDL declaration, applications for disaster loans may be submitted online using the MySBA

Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at [disastercustomerservice@sba.gov](mailto:disastercustomerservice@sba.gov) or by phone at 1-800-659-2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:* Florence.

*Contiguous Counties:*

Wisconsin: Forest, Marinette

Michigan: Iron, Dickinson

The Interest Rates are:

	Percent
Business and Small Agricultural Cooperatives without Credit Available Elsewhere .....	4.000
Non-Profit Organizations without Credit Available Elsewhere .....	3.250

The number assigned to this disaster for economic injury is 202090.

The States which received an EIDL Declaration are Michigan, Wisconsin.

(Catalog of Federal Domestic Assistance Number 59008)

**Isabella Guzman,**  
*Administrator.*

[FR Doc. 2024-04541 Filed 3-4-24; 8:45 am]

**BILLING CODE 8026-09-P**

**SUSQUEHANNA RIVER BASIN  
COMMISSION**

**Projects Approved for Consumptive  
Uses of Water**

**AGENCY:** Susquehanna River Basin Commission.

**ACTION:** Notice.

**SUMMARY:** This notice lists Approvals by Rule for projects by the Susquehanna River Basin Commission during the period set forth in **DATES**.

**DATES:** January 1-31, 2023.

**ADDRESSES:** Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

**FOR FURTHER INFORMATION CONTACT:** Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; email: [joyler@srbc.gov](mailto:joyler@srbc.gov). Regular mail inquiries may be sent to the above address.

**SUPPLEMENTARY INFORMATION:** This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22(f) for the time period specified above.



**Water Source Approval—Issued Under 18 CFR 806.22(f)**

1. RENEWAL—BKV Operating, LLC; Pad ID: Macialek 1 Pad; ABR—201201010.R2; Washington Township, Wyoming County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 16, 2024.

2. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Elwell; ABR—201201009.R2; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 16, 2024.

3. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Redbone; ABR—201201004.R2; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 16, 2024.

4. RENEWAL—EQT ARO LLC; Pad ID: Lycoming H&FC Pad F; ABR—201309015.R2; Lewis Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 16, 2024.

5. RENEWAL—SWN Production Company, LLC; Pad ID: FLICKS RUN; ABR—201201011.R2; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: January 16, 2024.

6. RENEWAL—SWN Production Company, LLC; Pad ID: TI—46 Bliss Pad; ABR—201701001.R1; Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: January 16, 2024.

7. RENEWAL—XPR Resources LLC; Pad ID: Alder Run Land 3H; ABR—201812003.R1; Cooper Township, Clearfield County, Pa.; Consumptive Use of Up to 0.9900 mgd; Approval Date: January 16, 2024.

8. RENEWAL—XPR Resources LLC; Pad ID: Alder Run Land LP 1H; ABR—201812002.R1; Cooper Township, Clearfield County, Pa.; Consumptive Use of Up to 0.9900 mgd; Approval Date: January 16, 2024.

9. SWN Production Company, LLC; Pad ID: NR 13 Brant West; ABR—202401001; Great Bend Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: January 16, 2024.

10. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Alvarez; ABR—201301012.R2; Wilmot Township, Bradford County and Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 28, 2024.

11. RENEWAL—Coterra Energy Inc.; Pad ID: SquierR P1; ABR—201401004.R2; Brooklyn Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 28, 2024.

12. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: Johnson (02 135) K; ABR—201701003.R1; Hamilton Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 28, 2024.

13. RENEWAL—Seneca Resources Company, LLC; Pad ID: Tolbert 263; ABR—201201022.R2; Jackson Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 28, 2024.

14. RENEWAL—SWN Production Company, LLC; Pad ID: HEBDA—VANDEMARK; ABR—201201025.R2; Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: January 28, 2024.

15. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Fox; ABR—201201007.R2; Mehoopany Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 30, 2024.

16. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: HOFFMAN UNIT PAD; ABR—201901002.R1; Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 30, 2024.

17. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Kathryn; ABR—201201006.R2; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 30, 2024.

18. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Raimo; ABR—201201005.R2; Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 30, 2024.

19. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Ridenour; ABR—201201008.R2; Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 30, 2024.

20. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Rogers Drilling Pad; ABR—201401006.R2; Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 30, 2024.

21. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Yoder Drilling Pad #1; ABR—201201003.R2; Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 30, 2024.

22. RENEWAL—Range Resources—Appalachia, LLC; Pad ID: Corson, Eugene 1H—6H; ABR—201201017.R2; Anthony Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 30, 2024.

23. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: COOLEY (05 266) D; ABR—201901003.R1; Pike Township,

Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 30, 2024.

24. RENEWAL—SWN Production Company, LLC; Pad ID: NR—15—HUGHES—PAD; ABR—201401007.R2; Great Bend Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: January 30, 2024.

25. RENEWAL—SWN Production Company, LLC; Pad ID: WY 04 DIMMIG; ABR—201401009.R2; Forkston Township, Wyoming County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: January 30, 2024.

26. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Burkhardt; ABR—201201028.R2; Forks Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2024.

27. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Calmitch; ABR—201201029.R2; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2024.

28. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Finan; ABR—201301014.R2; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2024.

29. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Rosiemar; ABR—201301016.R2; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2024.

30. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: Barner 709; ABR—201201031.R2; Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 31, 2024.

*Authority:* Public Law 91–575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806 and 808.

Dated: February 28, 2024.

**Jason E. Oyler,**

*General Counsel and Secretary to the Commission.*

[FR Doc. 2024–04539 Filed 3–4–24; 8:45 am]

**BILLING CODE 7040–01–P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****[Docket No. FAA–2023–1426]****Agency Information Collection****Activities: Requests for Comments;  
Clearance of a Renewed Approval of  
Information Collection: Protection of  
Voluntarily Submitted Information****AGENCY:** Federal Aviation  
Administration (FAA), DOT.**ACTION:** Notice and request for  
comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 23, 2023. The collection involves protection of voluntarily submitted information. Part 193 of the Federal Aviation Administration (FAA) regulations provides that certain information submitted to the FAA on a voluntary basis is not to be disclosed. This part implements a statutory provision. The purpose of part 193 is to encourage the aviation community to voluntarily share information with the FAA so that the agency may work cooperatively with industry to identify modifications to rules, policies, and procedures needed to improve safety, security, and efficiency of the National Airspace System (NAS). The information collection associated with part 193 also supports the Department of Transportation's Strategic Goal of Safety and Security.

**DATES:** Written comments should be submitted by April 4, 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.

**FOR FURTHER INFORMATION CONTACT:** Sandra Ray by email at: [Sandra.ray@faa.gov](mailto:Sandra.ray@faa.gov); phone: 412–546–7344

**SUPPLEMENTARY INFORMATION:**

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's

performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

*OMB Control Number:* 2120–0646.

*Title:* Protection of Voluntarily Submitted Information.

*Form Numbers:* None.

*Type of Review:* Renewal of an information collection.

*Background:* The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 23, 2023 (88 FR 41185). Part 193 of the FAA regulations provides that certain information submitted to the FAA on a voluntary basis is not to be disclosed. Part 193 implements a statutory provision. Section 40123 was added to title 49, United States Code, in the Federal Aviation Reauthorization Act of 1996 to encourage people to voluntarily submit desired information. Section 40123 allows the Administrator, through FAA regulations, to protect from disclosure voluntarily provided information relating to safety and security issues.

The purpose of part 193 is to encourage the aviation community to voluntarily share information with the FAA so that the agency may work cooperatively with industry to identify modifications to rules, policies, and procedures needed to improve safety, security, and efficiency of the National Airspace System. FAA programs that are covered under part 193 are Voluntary Safety Reporting Programs, Air Traffic and Technical Operations Safety Action programs, the Aviation Safety Action Program, and the Voluntary Disclosure Reporting Program. This rule imposes a negligible paperwork burden for certificate holders and fractional ownership programs that choose to submit a letter notifying the Administrator that they wish to participate in a current program.

The number of respondents has greatly increased since the initial approval of this information collection. In order to accurately reflect the burden of this information collection going forward, the FAA has included total current participants in the programs.

*Respondents:* 2604.

*Frequency:* Varies per response type.

*Estimated Average Burden per Response:* Varies per response type.

*Estimated Total Annual Burden:* 493,723 Hours.

Issued in Washington, DC, on February 29, 2024.

**Sandra L. Ray,**

*Aviation Safety Inspector, AFS–260.*

[FR Doc. 2024–04576 Filed 3–4–24; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****[FHWA Docket No. FHWA–2024–0005]****FHWA Adoption of Cyber Security  
Evaluation Tool**

**AGENCY:** Federal Highway  
Administration (FHWA), U.S.  
Department of Transportation (DOT).

**ACTION:** Notice; request for comments.

**SUMMARY:** Following coordination with the U.S. Department of Homeland Security, FHWA announces its proposal to adopt the Cyber Security Evaluation Tool (CSET) as a voluntary tool transportation authorities can use to assist in identifying, detecting, protecting against, responding to, and recovering from cyber incidents. The FHWA requests comments on its proposal.

**DATES:** Comments must be received on or before April 19, 2024. Late comments will be considered to the extent practicable.

**ADDRESSES:** All comments should include the docket number that appears in the heading of this document and may be submitted in any of the following ways:

- *Electronically through the Federal eRulemaking Portal:*

[www.regulations.gov](http://www.regulations.gov). This website allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

- *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:* U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

*Instructions:* You should identify the docket number at the beginning of your comments. Note that all comments received will be posted without change to [www.regulations.gov](http://www.regulations.gov), including any personal information provided. For more information, you may review the U.S. Department of Transportation's

complete Privacy Act Statement published in the **Federal Register** on April 11, 2000 (65 FR 19477).

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Mr. Jason Carnes, FHWA Transportation Security Coordinator (202) 366-5280, or via email at [Jason.Carnes@dot.gov](mailto:Jason.Carnes@dot.gov), Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8 a.m. to 4:30 p.m., ET, Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

This document may be viewed online under the docket number noted above through the Federal eRulemaking portal at: [www.regulations.gov](http://www.regulations.gov). Electronic submission and retrieval help and guidelines are available on the website. Please follow the online instructions.

An electronic copy of this document may also be downloaded from the Office of the **Federal Register**'s website at: [www.FederalRegister.gov](http://www.FederalRegister.gov) and the U.S. Government Publishing Office's website at: [www.GovInfo.gov](http://www.GovInfo.gov).

All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination in the docket at the above address. Comments received after the comment closing date will be filed in the docket and will be considered to the extent practicable. In addition to late comments, FHWA will also continue to file relevant information in the docket as it becomes available after the comment period closing date and interested persons should continue to examine the docket for new material.

**Background**

Pursuant to section 11510(b) of the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (Pub. L. 117-58), FHWA is required to develop a tool to assist transportation authorities in identifying, detecting, protecting against, responding to, and recovering from cyber incidents. Safety is the top priority of DOT and FHWA. The FHWA routinely works closely and collaboratively with Federal and State agencies whose primary missions revolve around securing critical transportation infrastructure. The FHWA provides subject matter expertise to those agencies in identifying potential physical and cybersecurity threats and appropriate mitigation efforts. When presented with physical or cybersecurity questions, concerns or incidents from State, local,

Tribal, and Territorial transportation authorities, or other stakeholders, FHWA routinely assists in connecting these entities to security-focused government agencies, including the Transportation Security Administration (TSA), Cybersecurity and Infrastructure Security Agency (CISA), and Federal Bureau of Investigation (FBI).

In accordance with BIL, section 11510(b), FHWA is proposing to adopt CISA's CSET as a voluntary tool that transportation authorities can use to assist in identifying, detecting, protecting against, responding to, and recovering from cyber incidents. The CISA's cybersecurity mission is to defend and secure cyberspace by leading national efforts to drive national cyber defense, resilience of national critical functions, and a robust technology ecosystem. The FHWA therefore thinks it is appropriate to leverage CISA's expertise instead of attempting to create a separate and potentially duplicative tool. The CSET, developed by CISA, is a comprehensive software tool designed to assist organizations in assessing their cybersecurity posture and developing structured improvement programs. The CSET helps organizations evaluate their cybersecurity practices, identify vulnerabilities, and prioritize mitigation efforts by providing a systematic approach to assess cybersecurity controls and processes. It offers a range of modules and questionnaires tailored to different critical infrastructure sectors, making it a valuable resource for organizations seeking to enhance their cybersecurity resilience through a well-structured assessment and development program. The CSET is available to the public for download at <https://www.cisa.gov/downloading-and-installing-cset>.

In proposing to adopt this voluntary tool to assist transportation authorities regarding cyber incidents, FHWA has coordinated with CISA and TSA, and consulted with appropriate stakeholders on the viability and usefulness of the tool. The feedback received confirmed that State agencies currently depend on a diverse array of cybersecurity tools sourced from multiple stakeholders, encompassing both public and private entities. Among these tools, several States choose to employ the CSET, while others customize alternative cybersecurity solutions to align with their distinct mission requirements. In addition, many State departments of transportation employ a variety of tools encompassing intrusion detection systems, vulnerability scanners, and encryption technologies to fortify their cyber defense postures, reflecting the

complexity and diversity of their security strategies. The FHWA will continue to partner with other Federal Agencies that have the primary statutory mission to develop security-related cybersecurity tools to ensure highway-related equities are considered and incorporated appropriately.

**Request for Comments**

The FHWA requests comments regarding the Agency's proposal to adopt CISA's CSET as a voluntary tool transportation authorities can use to provide assistance regarding cyber incidents.

**Further Proceedings**

After considering public comments in response to this notice, FHWA will publish a notice in the **Federal Register** adopting a final cybersecurity tool.

*Authority:* Sec. 11510, Pub. L. 117-58, 135 Stat. 592.

**Shailen P. Bhatt,**

*Administrator, Federal Highway Administration.*

[FR Doc. 2024-04616 Filed 3-4-24; 8:45 am]

**BILLING CODE 4910-22-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2023-0143]

**Truck Leasing Task Force (TLTF); Notice of Public Meeting**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice announces a meeting of the TLTF.

**DATES:** The meeting will be held on Thursday, March 21, 2024, from 10 a.m.-12 p.m. and 1-3 p.m. ET. Requests for accommodations for a disability must be received by Friday, March 14. Requests to submit written materials for consideration during the meeting must be received no later than Friday, March 14.

**ADDRESSES:** The meeting will be a hybrid meeting, with in-person and virtual access for its entirety. The in-person portion will be held at the Mid-America Trucking Show (MATS) at the Kentucky Exposition Center in Louisville, KY. Please register in advance of the meeting at [www.fmcsa.dot.gov/tltf](http://www.fmcsa.dot.gov/tltf). A copy of the agenda for the entire meeting will be made available at [www.fmcsa.dot.gov/tltf](http://www.fmcsa.dot.gov/tltf) at least 1 week in advance of the

meeting. Once approved, copies of the meeting minutes will be available at the website following the meeting. You may visit the TLTF website at [www.fmcsa.dot.gov/tltf](http://www.fmcsa.dot.gov/tltf) for further information on the committee and its activities.

**FOR FURTHER INFORMATION CONTACT:** Ms. Shannon L. Watson, Deputy Designated Federal Officer, TLTF, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 360-2925, [tltf@dot.gov](mailto:tltf@dot.gov). Any committee-related request should be sent to the person listed in this section.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 23009 of the Bipartisan Infrastructure Law (BIL) (Pub. L. 117-58) requires the Federal Motor Carrier Safety Administration (FMCSA) to establish the TLTF, which was set up in accordance with the Federal Advisory Committee Act (FACA), Public Law 92-463 (1972). TLTF will examine the terms, conditions, and equitability of common truck leasing arrangements, particularly as they impact owner-operators and trucking businesses subject to such agreements and submit a report on the task force's identified issues and conclusions regarding truck leasing arrangements, including recommended best practices, to the Secretary, the Secretary of Labor, and the appropriate committees of Congress. TLTF will work in coordination with the United States Department of Labor.

TLTF operates in accordance with FACA under the terms of the TLTF charter, filed February 11, 2022, and amended April 28, 2023, and renewed February 9, 2024.

##### II. Agenda

- TLTF will begin consideration of Task 24-2: the Impact of Truck Leasing Agreements on the Net Compensation of CMV Drivers, Including Port Drayage Drivers, and Specific Agreements Available to Drayage Drives at Ports Relating to the Clean Truck Program or Similar Programs to Decrease Emissions from Port Operations;
- A visit from Brian Stansbury, FMCSA's Chief Counsel; and
- A public comment period that will allow drivers and lessees of CMVs to tell their personal experiences with leases and to present any supporting information they would like to share to assist TLTF in making recommendations on such agreements.

##### III. Public Participation

The meeting will be open to the public via in-person attendance and a

virtual platform. Advance registration via the website ([www.fmcsa.dot.gov/tltf](http://www.fmcsa.dot.gov/tltf)) is required by Friday, March 14.

DOT is committed to providing equal access to this meeting for all participants. If you need alternative formats or services due to a disability, such as sign language interpretation or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section by Friday, March 14.

Oral comments from the public will be heard during designated comment periods from 11 a.m.–12 p.m. ET and 2–3 p.m. ET at the discretion of the TLTF chair and Designated Federal Officer. To accommodate as many speakers as possible, the time for each commenter will be limited to 2 minutes. Speakers are requested to submit a written copy of their remarks for inclusion in the meeting records and for circulation to TLTF members. All prepared remarks submitted on time will be accepted and considered as part of the record. Any member of the public may present a written statement to the committee at any time.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2024-04612 Filed 3-4-24; 8:45 am]

**BILLING CODE 4910-EX-P**

#### DEPARTMENT OF TRANSPORTATION

##### Federal Railroad Administration

[Docket No. FRA-2000-7257, Notice No. 95]

##### Railroad Safety Advisory Committee; Notice of Meeting

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of public meeting.

**SUMMARY:** FRA announces the sixty-sixth meeting of the Railroad Safety Advisory Committee (RSAC or Committee), a Federal Advisory Committee that provides advice and recommendations to FRA on railroad safety matters through a consensus process. The meeting's focus will be potential safety improvements in response to the February 3, 2023, freight train derailment in East Palestine, Ohio.

**DATES:** The RSAC meeting is scheduled for Thursday, March 21, 2024. The meeting will commence at 9:30 a.m. and will adjourn by 4:30 p.m. (all times eastern daylight savings time). Requests to submit written materials to be reviewed during the meeting must be received by March 11, 2024. Requests for accommodations because of a

disability must be received by March 11, 2024.

**ADDRESSES:** The RSAC meeting will be held at the National Association of Home Builders, located at 1201 15th Street NW, Washington, DC 20005. A final agenda will be posted on the RSAC internet website at <https://rsac.fra.dot.gov/> at least one week in advance of the meeting. Please see the RSAC website for additional information on RSAC at <https://rsac.fra.dot.gov/>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Kenton Kilgore, RSAC Designated Federal Officer/RSAC Coordinator, FRA Office of Railroad Safety, (202) 365-3724 or [kenton.kilgore@dot.gov](mailto:kenton.kilgore@dot.gov), for all meeting related inquiries, including requests for alternative formats or services because of a disability, which must be received by March 11, 2024.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), FRA is publishing notice of a meeting of RSAC. RSAC is composed of 51 voting representatives from 26 member organizations, representing various rail industry perspectives. The diversity of RSAC ensures the requisite range of views and expertise necessary to discharge its responsibilities.

**Public Participation:** The meeting is open to the public. Attendance is on a first-come, first served basis, and is accessible to individuals with disabilities. DOT and FRA are committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, please contact Mr. Kenton Kilgore as listed in the **FOR FURTHER INFORMATION CONTACT** section, and submit your request by March 11, 2024. Any member of the public may submit a written statement to RSAC at any time. To be reviewed by RSAC, a member of the public must submit written materials for receipt by March 11, 2024.

**Agenda Summary:** This meeting of the RSAC will include updates from the working groups for train braking modernization and wayside detectors, which were formed in response to the February 3, 2023, Norfolk Southern Railway Co. freight train derailment in East Palestine, Ohio. Working groups for Confidential Close Call Reporting (C3RS) and roadway worker protection will also report to RSAC on their activity. A detailed agenda for the meeting will be posted on the RSAC internet website at least one week in advance of the meeting. Copies of the minutes of past meetings, along with general information about RSAC, are

also available on the RSAC internet website at <https://rsac.fra.dot.gov/>.

Issued in Washington, DC.

**Amitabha Bose,**  
Administrator.

[FR Doc. 2024-04582 Filed 3-4-24; 8:45 am]

BILLING CODE 4910-06-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### **Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request on Burden Related to Requirement To Use Taxpayer Identifying Numbers on Submissions Under the Section 897 and 1445**

**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 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 IRS is soliciting comments concerning the burden related to the guidance under sections 897, 1445, and 6109 to require use of Taxpayer Identifying Numbers on submission under the section 897 and 1445.

**DATES:** Written comments should be received on or before May 6, 2024 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Andrés 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, "OMB Number: 1545-1797—Public Comment Request Notice" in the Subject line.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to Ronald J. Durbala, at (202) 317-5746, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at [RJoseph.Durbala@irs.gov](mailto:RJoseph.Durbala@irs.gov).

#### **SUPPLEMENTARY INFORMATION:**

**Title:** Guidance under Sections 897, 1445, and 6109 to require use of Taxpayer Identifying Numbers on Submission under the Section 897 and 1445.

OMB Number: 1545-1797.

**Document Number:** TD 9082, TD 9751.

**Abstract:** The collection of information relates to applications for withholding certificates under section 1.1445-3 to be filed with the IRS with respect to (1) dispositions of U.S. real property interests that have been used by foreign persons as a principle residence within the prior 5 years and excluded from gross income under section 121 and (2) dispositions of U.S. real property interests by foreign persons in deferred like kind exchanges that qualify for nonrecognition under section 1031.

**Current Actions:** There are no changes to the burden previously approved by OMB. This request is to extend the current approval for another 3 years.

**Type of Review:** Extension of a currently approved collection.

**Affected Public:** Individuals or households and Business or other for-profit.

**Estimated Number of Respondents:** 150.

**Estimated Time per Respondent:** 4 hrs.

**Estimated Total Annual Burden Hours:** 600.

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.

**Desired Focus of Comments:** The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic,

mechanical, or other technological collection techniques or other forms of information technology, e.g., by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: February 29, 2024.

**Ronald J. Durbala,**  
IRS Tax Analyst.

[FR Doc. 2024-04636 Filed 3-4-24; 8:45 am]

BILLING CODE 4830-01-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### **Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request on Burden Related to Form 2678**

**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 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 IRS is soliciting comments concerning the burden associated with Form 2678, *Employer/Payer Appointment of Agent*.

**DATES:** Written comments should be received on or before May 6, 2024, to be assured of consideration.

**ADDRESSES:** Direct all written comments to Andrés 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, "OMB Number: 1545-0748—Public Comment Request Notice" in the Subject line.

#### **FOR FURTHER INFORMATION CONTACT:**

Requests for additional information or copies of the form and instructions should be directed to Ronald J. Durbala, at (202) 317-5746, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at [RJoseph.Durbala@irs.gov](mailto:RJoseph.Durbala@irs.gov).

#### **SUPPLEMENTARY INFORMATION:**

**Title:** Employer/Payer Appointment of Agent.

OMB Number: 1545-0748.

*Document Number:* 2678.

*Abstract:* Internal Revenue Code section 3504 authorizes a fiduciary, agent, or other person to perform acts of an employer for purposes of employment taxes. Form 2678 is used to empower an agent with the responsibility and liability of collecting and paying the employment taxes including backup withholding and filing the appropriate tax return.

*Current Actions:* There are no changes to the burden previously approved by OMB. This request is to extend the current approval for another 3 years.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Businesses or other for-profit organizations, not-for-profit institutions, farms, and the Federal Government.

*Estimated Number of Respondents:* 6,130,000.

*Estimated Time per Respondent:* 2 hrs., 14 min.

*Estimated Total Annual Burden Hours:* 13,731,200.

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.

*Desired Focus of Comments:* The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., by

permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: February 29, 2024.

**Ronald J. Durbala,**

*IRS Tax Analyst.*

[FR Doc. 2024-04596 Filed 3-4-24; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Form 8879-EX

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Internal Revenue Service (IRS), 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 information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning IRS e-file Signature Authorization for Forms 720, 2290, and 8849.

**DATES:** Written comments should be received on or before May 6, 2024 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Andres 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).

Include "OMB Number 1545-2081-IRS e-file Signature Authorization for Forms 720, 2290, and 8849" in the subject line of the message.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of this collection should be directed to Martha R. Brinson, at (202) 317-5753, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at [Martha.R.Brinson@irs.gov](mailto:Martha.R.Brinson@irs.gov).

#### SUPPLEMENTARY INFORMATION:

*Title:* IRS e-file Signature Authorization for Forms 720, 2290, and 8849.

*OMB Number:* 1545-2081.

*Form Number:* 8879-EX.

*Abstract:* Form 8879-EX, IRS e-file Signature Authorization for Forms 720, 2290, and 8849, will be used in the

Modernized e-File program. Form 8879-EX authorizes a taxpayer and an electronic return originator (ERO) to use a personal identification number (PIN) to electronically sign an electronic excise tax return and, if applicable, authorize an electronic funds withdrawal.

*Current Actions:* There are no changes being made to the form at this time.

*Type of Review:* Extension of a previously approved collection.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 15,000.

*Estimated Time per Respondent:* 1 hr., 12 mins.

*Estimated Total Annual Burden Hours:* 16,750.

The following paragraph applies to all of 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 as long as 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. Comments will be 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 has 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 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 26, 2024.

**Martha R. Brinson,**

*Tax Analyst.*

[FR Doc. 2024-04585 Filed 3-4-24; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****Proposed Collection; Comment Request for Form 1098-Q**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Internal Revenue Service (IRS), 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 information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Longevity Annuity Contracts.

**DATES:** Written comments should be received on or before May 6, 2024, to be assured of consideration.

**ADDRESSES:** Direct all written comments to Andres 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). Include "OMB Number 1545-2234-Longevity Annuity Contracts" in the subject line of the message.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of this collection should be directed to Martha R. Brinson, at (202) 317-5753, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at [Martha.R.Brinson@irs.gov](mailto:Martha.R.Brinson@irs.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Longevity Annuity Contracts.

*OMB Number:* 1545-2234.

*Form Number:* Form 1098-Q and TD 9673.

*Abstract:* This collection covers final regulations relating to the use of longevity annuity contracts in tax qualified defined contribution plans under section 401(a) of the Internal Revenue Code (Code), section 403(b) plans, individual retirement annuities and accounts (IRAs) under section 408, and eligible governmental plans under section 457(b).

Form 1098-Q is used to comply with the reporting requirements under TD 9673. Any person who issues a contract intended to be a QLAC that is purchased or held under any plan, annuity, or account described in section 401(a), 403(a), 403(b), 408 (other than a Roth IRA) or eligible governmental plan under section 457(b), must file Form 1098-Q.

*Current Actions:* There are no changes being made to the form at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations, individuals, not-for-profit institutions, individuals or households.

*Estimated Number of Respondents:* 150.

*Estimated Time per Respondent:* 8 mins.

*Estimated Total Annual Burden Hours:* 28,529.

The following paragraph applies to all of 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 as long as 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. Comments will be 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 has 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 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 26, 2024.

**Martha R. Brinson,**

*Tax Analyst.*

[FR Doc. 2024-04584 Filed 3-4-24; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF VETERANS AFFAIRS**

**[OMB Control No. 2900-0798]**

**Agency Information Collection Activity: Veteran/Beneficiary Claim for Reimbursement of Travel Expenses**

**AGENCY:** Veterans Health Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** Veterans Health Administration (VHA), 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 a proposed reinstatement of a 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 May 6, 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 Grant Bennett, Office of Regulations, Appeals, and Policy (10BRAP), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to [Grant.Bennett@va.gov](mailto:Grant.Bennett@va.gov). Please refer to "OMB Control No. 2900-0798" 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 and Analytics (008), 810 Vermont Avenue NW, Washington, DC 20420, (202) 266-4688 or email [maribel.aponte@va.gov](mailto:maribel.aponte@va.gov). Please refer to "OMB Control No. 2900-0798" 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, VHA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA'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:* Veteran/Beneficiary Claim for Reimbursement of Travel Expenses (VA Form 10–3542 and BTSSS).

*OMB Control Number:* 2900–0798.

*Type of Review:* Reinstatement, with change, of a previously approved collection.

*Abstract:* Pursuant to 38 U.S.C. 111 and 38 CFR part 70, subpart A, the Veterans Health Administration (VHA) Beneficiary Travel (BT) Program, provides payments for authorized travel expenses to help Veterans and other beneficiaries obtain care or services from VHA. VHA requires certain information be gathered to determine whether BT eligibility and other criteria for approval have been met, and the

amount of payment or reimbursement that is authorized. Claimants may include Veterans and other BT beneficiaries, and entities or individuals who provided or paid for travel. Claimants may apply for BT orally or in writing through VA Form 10–3542 or the Beneficiary Travel Self Service System (BTSSS). This standard collection of information is necessary to enable VHA to provide this benefit and appropriately ensure that funds are being paid to the correct claimant.

*Total Annual Burden:* 1,216,667 hours.

*Total Annual Responses:* 7,300,000.

*Affected Public:* Individuals or households.

*Estimated Annual Burden:* 1,216,667 hours.

*Estimated Average Burden per Response:* 10 minutes.

*Frequency of Response:* Average of 5 times per year.

*Estimated Number of Respondents:* 1,460,000.

By direction of the Secretary.

**Maribel Aponte,**

*VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance and Analytics, Department of Veterans Affairs.*

[FR Doc. 2024–04543 Filed 3–4–24; 8:45 am]

**BILLING CODE 8320–01–P**





# FEDERAL REGISTER

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Vol. 89

Tuesday,

No. 44

March 5, 2024

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## Part II

### The President

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Proclamation 10703—American Red Cross Month, 2024

Proclamation 10704—Irish-American Heritage Month, 2024

Proclamation 10705—National Colorectal Cancer Awareness Month, 2024

Proclamation 10706—Women's History Month, 2024



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# Presidential Documents

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Title 3—

Proclamation 10703 of February 29, 2024

The President

American Red Cross Month, 2024

By the President of the United States of America

## A Proclamation

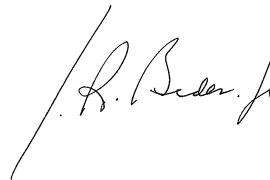
This month, we honor the American Red Cross for its humanitarian commitment to serve communities across the United States and around the world. We celebrate each and every selfless employee and volunteer as an ambassador of American generosity, who upholds a sacred mandate to leave no person behind.

Founded more than 140 years ago by Clara Barton, the American Red Cross has led with compassion and care, assisting neighbors and fellow Americans when they find themselves in some of the most agonizing circumstances they have ever faced. Throughout the biggest cities and the smallest towns, American Red Cross workers perform heroic acts of service across the United States and abroad. When wildfires devour neighborhoods, tornadoes uproot towns, earthquakes devastate homes and businesses, hurricanes whip beachfronts, and rivers rise and ruin neighborhoods and city streets, Red Cross volunteers are there to provide food, create temporary shelters, and help people recover and rebuild. While climate change has led to the increasing intensity and frequency of the world's natural disasters, Red Cross volunteers continue to serve as beacons of light, bringing hope to those facing some of the darkest hours and offering life-saving support at home and overseas.

During American Red Cross Month, I encourage everyone who is able to give blood and volunteer to help local communities in need. You can learn more about the process of donating blood online at [redcross.org](https://www.redcross.org). Let us all use the dedication of the American Red Cross as an example this month and recommit in our own lives to lead with compassion and care. When we see others who are struggling, let us embody the generosity of the American spirit and resolve to lend them a helping hand.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America and Honorary Chair of the American Red Cross, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2024 as American Red Cross Month. I encourage all Americans to observe this month with relevant programs, ceremonies, and activities and to support the work of service and relief organizations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of February, in the year of our Lord two thousand twenty-four, and of the Independence of the United States of America the two hundred and forty-eighth.

A handwritten signature in black ink, appearing to read "Joe Biden", is written on the right side of the page. The signature is fluid and cursive, with a long, sweeping line extending from the top left of the signature.

[FR Doc. 2024-04812

Filed 3-4-24; 11:15 am]

Billing code 3395-F4-P

## Presidential Documents

**Proclamation 10704 of February 29, 2024**

### **Irish-American Heritage Month, 2024**

**By the President of the United States of America**

#### **A Proclamation**

During Irish-American Heritage Month, we honor our Irish ancestors, all those who carry on their legacies, and the values that have always bound Ireland and the United States together.

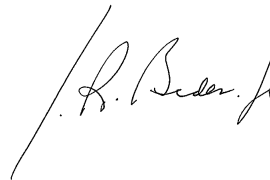
These values—including determination, decency, and dignity—have been passed down from generation to generation in families like my own and have been grafted into the American character. Last year, I had the honor of visiting the home of some of my Irish ancestors, including the Blewitts of County Mayo and the Finnegans of County Louth. As I traveled across Ireland, I learned the true meaning of the Gaelic expression, “a hundred thousand welcomes.” I was reminded that everything between Ireland and America runs deep—from our history and sorrow to our future and joy. But more than anything, hope is what beats in the hearts of all of our people.

For centuries—even during times of darkness and despair—hope has kept us marching forward toward a better future. It is what led so many of our Irish ancestors to leave the only place they had ever called home and seek a new beginning in the United States. It is what drove generations of Irish immigrants to help build the foundations of America with grit and persistence, even as they endured discrimination and were denied opportunity. It is what continues to drive tens of millions of Irish Americans across our country to stand up for greater dignity, liberty, and possibilities for all. As we celebrate the 100th anniversary of United States-Irish diplomatic relations this year, hope remains the bedrock of our partnership, as evidenced by our work together to stand with the brave people of Ukraine in the face of Russian aggression, combat the climate crisis, and advance workers’ rights across both of our nations.

In the years ahead, I look forward to strengthening the partnership and friendship between the people of Ireland and America even further. United by history, heritage, and hope, nothing is beyond our reach.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2024 as Irish-American Heritage Month. I call upon all Americans to celebrate the achievements and contributions of Irish Americans to our Nation with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of February, in the year of our Lord two thousand twenty-four, and of the Independence of the United States of America the two hundred and forty-eighth.

A handwritten signature in black ink, appearing to read "Joe Biden", with a long, sweeping horizontal line extending to the left.

[FR Doc. 2024-04813

Filed 3-4-24; 11:15 am]

Billing code 3395-F4-P

## Presidential Documents

**Proclamation 10705 of February 29, 2024**

### **National Colorectal Cancer Awareness Month, 2024**

**By the President of the United States of America**

#### **A Proclamation**

The second leading cause of cancer death in the United States today is colorectal cancer, and approximately 150,000 people in this country will be diagnosed with the disease this year. During National Colorectal Cancer Awareness Month, we honor all the Americans we have lost to this cancer, those currently living with or surviving it, and the loved ones who stand firmly by their side. We recommit to supporting all those helping drive progress against cancer and delivering incredible care to those facing this disease. We affirm our goal of ending cancer as we know it, once and for all.

As a country, we have made impressive progress in the struggle to end cancer over the past several decades due to advancements in prevention, early-detection measures, and new medicines and therapies. Despite remarkable breakthroughs, every year, more Americans are diagnosed with cancer under the age of 50. Earlier detection and improved treatment of colorectal cancer continue to be critical goals of medical research. Further progress is also needed to improve outcomes for those who are disproportionately impacted by this disease—including Americans over the age of 45, Native Americans, Black Americans, and people with a family history of colorectal cancer.

There is still more work to be done to ensure more Americans can prevent, detect, treat, and survive colorectal cancer. That is why the First Lady and I reignited the Cancer Moonshot with the ambition to cut the cancer death rate by at least half in the next 25 years and improve the experience of patients and families touched by cancer. I worked with the Congress to secure \$2.5 billion in bipartisan funding for the Advanced Research Projects Agency for Health (ARPA-H). The scientists, innovators, and public health professionals funded by ARPA-H are working day and night to create a quantum leap in the prevention, detection, and treatment of cancer and other deadly, life-threatening, and life-altering diseases. Along the way, they are forging partnerships to deliver results to the people who need them most. ARPA-H is also partnering with the National Institutes of Health, the National Cancer Institute, and other agencies to develop a new Biomedical Data Fabric Toolbox for Cancer, which will ensure that knowledge gained through research is available to as many experts as possible, with the goal of delivering groundbreaking innovations to patients sooner.

My Administration is also working tirelessly to get patients and their loved ones some much-needed breathing room by making cancer treatments more affordable. I was proud to strengthen Medicaid and the Affordable Care Act by expanding health care coverage to millions of Americans. Millions of people are saving \$800 per year on health insurance premiums as a result of this extension. In addition, through the Inflation Reduction Act, the total out-of-pocket prescription drug costs for seniors and others with Medicare will be capped at \$2,000 per year—including amounts they are required to pay for expensive cancer medications. For those on Medicare, we have also expanded access to health services that make it easier for patients and their families to navigate the complexities of cancer care. That

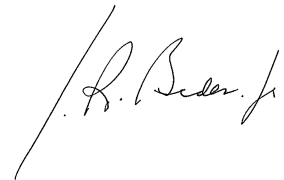
includes dental services for people receiving certain kinds of cancer treatment, guidance from individuals who can help coordinate between health care teams, and community-based social services that can provide support outside of the health care system.

The independent United States Preventive Services Task Force recommends regular colorectal cancer screenings for all Americans starting at age 45. Colonoscopies and other preventive practices can detect cancer early, averting the disease before it starts. It is also recommended that all Americans should consult a doctor if they experience symptoms such as blood in their stool, a change in bowel activity, abdominal pain, bloating, persistent cramps, or unexplained weight loss. As part of my Administration's efforts to ensure people are able to receive timely screening, the Centers for Medicare and Medicaid Services recently finalized a rule stating that no Medicare beneficiary has to pay for a diagnostic colonoscopy after a positive non-invasive screening test, like at-home stool-based tests.

Nearly every family in America has been touched by cancer—including mine. During National Colorectal Cancer Awareness Month, let us recognize the absolute courage and strength of patients, survivors, and their families by coming together as a country to provide the support and hope they need.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2024 as National Colorectal Cancer Awareness Month. I encourage all citizens, government agencies, private businesses, non-profit organizations, and other groups to join in activities that will increase awareness and prevention of colorectal cancer. I also encourage Americans to visit [HealthCare.gov](https://www.healthcare.gov) and learn more about signing up for health coverage under the Affordable Care Act.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of February, in the year of our Lord two thousand twenty-four, and of the Independence of the United States of America the two hundred and forty-eighth.

A handwritten signature in black ink, appearing to read "Joe Biden", with a long, sweeping horizontal line extending to the left.



## Presidential Documents

**Proclamation 10706 of February 29, 2024**

### **Women's History Month, 2024**

**By the President of the United States of America**

#### **A Proclamation**

During Women's History Month, we celebrate the courageous women who have helped our Nation build a fairer, more just society.

Throughout history, the vision and achievements of powerful women have strengthened our Nation and opened the doors of opportunity wider for all of us. Though their stories too often go untold, all of us stand on the shoulders of these sung and unsung trailblazers—from the women who took a stand as suffragists, abolitionists, and labor leaders to pioneering scientists and engineers, groundbreaking artists, proud public servants, and brave members of our Armed Forces.

Despite the progress that these visionaries have achieved, there is more work ahead to knock down the barriers that stand in the way of women and girls realizing their full potential—in a country founded on freedom and equality, nothing is more fundamental. That is why my Administration has put women and girls at the heart of everything we do. When I first came into office, I established the White House Gender Policy Council to advance their rights and opportunities across domestic and foreign policy. I also released the Nation's first-ever National Gender Strategy to advance gender equity and equality across my Administration—from women's economic security and leadership opportunities to freedom from gender-based violence and equal access to education and health care. Women are seated at every table where decisions are made in my Administration—from our first female Vice President, Kamala Harris, to a record number of female cabinet secretaries to the most diverse set of judges ever nominated to the Federal bench, including Supreme Court Justice Ketanji Brown Jackson.

If we want to have the strongest economy in the world, we cannot leave women—half of our workforce—behind. Since I have been in office, the economy has created nearly 15 million jobs, and we have seen the lowest unemployment rate among women in more than five decades. As we implement major pieces of legislation like the Bipartisan Infrastructure Law, the CHIPS and Science Act, and the Inflation Reduction Act, we are ensuring that women get their fair share of opportunities. We are increasing their access to new jobs in sectors where women have been historically underrepresented, like manufacturing, construction, and clean energy. We are championing equal pay, including issuing new regulations that advance pay equity and pay transparency for Federal workers and employees of Federal contractors.

We are making sure women have access to the resources they need to enter and remain in the workforce, including high-quality, affordable child care. My Administration's American Rescue Plan helped working mothers, especially during the most challenging times of the pandemic, by keeping the doors of 220,000 child care centers open—90 percent of which are owned and staffed by women. Our Child Tax Credit cut the number of children in poverty by 50 percent and provided breathing room for 65 million children and their families, and we will keep fighting to restore it. I have also signed legislation that provides new protections for pregnant and postpartum workers.

To promote the health and wellness of women in America, under the leadership of Vice President Harris, we launched the Blueprint for Addressing the Maternal Health Crisis to combat the high incidence of maternal mortality—especially for Black, Native, and rural women—due to systemic inequities in quality health care. We have expanded access to health care services for women veterans—the fastest growing group of veterans receiving services at the Department of Veterans Affairs. Last fall, we launched the White House Initiative on Women’s Health Research to change how we approach and fund women’s health research, and pioneer the next generation of discoveries in women’s health care.

Further, Vice President Harris and I are fighting to protect women’s reproductive freedom. In 2022, the Supreme Court made an extreme decision to overturn *Roe v. Wade*, reversing nearly five decades of recognizing a woman’s constitutional right to choose and make deeply personal decisions about her health care. Now, tens of millions of women live in States with an extreme and dangerous abortion ban currently in effect. Across the country, women are being turned away from emergency rooms, forced to go to court to seek permission for the medical attention they need, and made to travel hundreds of miles for care. This is unacceptable. That is why I have taken action to safeguard access to reproductive care, including abortion and contraception. Vice President Harris and I will keep calling on the Congress to restore the protections of *Roe v. Wade* in Federal law—the only way to ensure women in every State have the right to choose.

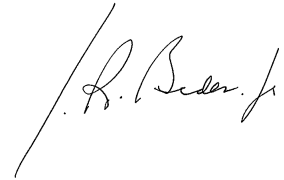
As we lift up women’s health and economic prosperity, we also have to protect their physical security. As a United States Senator, I was proud to write the Violence Against Women Act, which helped change the culture of silence around the scourge of gender-based violence in America. When we reauthorized the law, we increased our total investment in prevention and support to \$700 million for 2023 alone—the highest funding ever to protect women from gender-based violence in nearly 30 years. I have also spearheaded historic military justice reforms to better protect survivors and ensure that, in cases of gender-based violence, prosecutorial decisions are fully independent from the chain of command. Last year, my Administration released the first-ever National Plan to End Gender-Based Violence, advancing a comprehensive Government-wide approach to preventing and addressing gender-based violence across the United States.

Globally, my Administration is supporting initiatives that help expand access to child care, end gender-based violence, cut the digital gender divide in half, promote women’s leadership, and more. Thanks to the leadership of Vice President Harris, we have galvanized more than \$2.9 billion in investments to advance the economic status of women around the world and ensure they play a meaningful role in the industries of the future.

This Women’s History Month, may we recognize the long, storied history of great women helping to realize our Nation’s founding promise and highest aspirations. May we all continue working to build a world worthy of the dreams and goals of all women and girls.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2024 as Women’s History Month. I call upon all Americans to observe this month and to celebrate International Women’s Day on March 8, 2024, with appropriate programs, ceremonies, and activities. I also invite all Americans to visit [WomensHistoryMonth.gov](https://WomensHistoryMonth.gov) to learn more about the vital contributions of women to our Nation’s history.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of February, in the year of our Lord two thousand twenty-four, and of the Independence of the United States of America the two hundred and forty-eighth.

A handwritten signature in black ink, appearing to read "Joe Biden", with a long, sweeping horizontal line extending to the left.



# FEDERAL REGISTER

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Vol. 89

Tuesday,

No. 44

March 5, 2024

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## Part III

### The President

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Executive Order 14118—Termination of Emergency With Respect to the Situation in Zimbabwe

Notice of March 4, 2024—Continuation of the National Emergency With Respect to Ukraine



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# Presidential Documents

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**Title 3—****Executive Order 14118 of March 4, 2024****The President****Termination of Emergency With Respect to the Situation in Zimbabwe**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), and section 301 of title 3, United States Code,

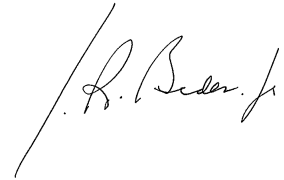
I, JOSEPH R. BIDEN JR., President of the United States of America, find that the declaration of a national emergency in Executive Order 13288 of March 6, 2003, with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions, as relied upon for additional steps taken in Executive Order 13391 of November 22, 2005, and as expanded by Executive Order 13469 of July 25, 2008, should no longer be in effect. Although I continue to be concerned with the situation in Zimbabwe, particularly with respect to acts of violence and other human rights abuses against political opponents and with respect to public corruption, including misuse of public authority, the declaration of a national emergency in Executive Order 13288 is no longer needed. Accordingly, I hereby terminate the national emergency declared in Executive Order 13288, and revoke that order, Executive Order 13391, and Executive Order 13469, and further order:

**Section 1.** Pursuant to section 202(a) of the NEA (50 U.S.C. 1622(a)), termination of the national emergency declared in Executive Order 13288, as relied upon for additional steps taken in Executive Order 13391, and as expanded by Executive Order 13469, shall not affect any action taken or proceeding pending not finally concluded or determined as of the date of this order, any action or proceeding based on any act committed prior to the date of this order, or any rights or duties that matured or penalties that were incurred prior to the date of this order.

**Sec. 2.** (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
  - (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
- (b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,  
*March 4, 2024.*

## Presidential Documents

Notice of March 4, 2024

### Continuation of the National Emergency With Respect to Ukraine

On March 6, 2014, by Executive Order 13660, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions and policies of persons that undermine democratic processes and institutions in Ukraine; threaten its peace, security, stability, sovereignty, and territorial integrity; and contribute to the misappropriation of its assets.

On March 16, 2014, the President issued Executive Order 13661, which expanded the scope of the national emergency declared in Executive Order 13660, and found that the actions and policies of the Government of the Russian Federation with respect to Ukraine undermine democratic processes and institutions in Ukraine; threaten its peace, security, stability, sovereignty, and territorial integrity; and contribute to the misappropriation of its assets.

On March 20, 2014, the President issued Executive Order 13662, which further expanded the scope of the national emergency declared in Executive Order 13660, as expanded in scope in Executive Order 13661, and found that the actions and policies of the Government of the Russian Federation, including its purported annexation of Crimea and its use of force in Ukraine, continue to undermine democratic processes and institutions in Ukraine; threaten its peace, security, stability, sovereignty, and territorial integrity; and contribute to the misappropriation of its assets.

On December 19, 2014, the President issued Executive Order 13685, to take additional steps to address the Russian occupation of the Crimea region of Ukraine.

On September 20, 2018, the President issued Executive Order 13849, to take additional steps to implement certain statutory sanctions with respect to the Russian Federation.

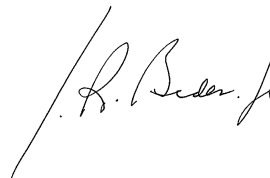
On February 21, 2022, the President issued Executive Order 14065, which further expanded the scope of the national emergency declared in Executive Order 13660, as expanded in scope in Executive Orders 13661 and 13662, and relied on for additional steps taken in Executive Orders 13685 and 13849, and found that the Russian Federation's purported recognition of the so-called Donetsk People's Republic or Luhansk People's Republic regions of Ukraine contradicts Russia's commitments under the Minsk agreements and further threatens the peace, stability, sovereignty, and territorial integrity of Ukraine, and thereby constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States.

The actions and policies addressed in these Executive Orders continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared in Executive Order 13660, which was expanded in scope in Executive Order 13661, Executive Order 13662, and Executive Order 14065, and under which additional steps were taken in Executive Order 13685 and Executive Order 13849, must continue in effect beyond March 6, 2024.



Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13660.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

A handwritten signature in black ink, appearing to read "Joe Biden", is positioned in the upper right quadrant of the page.

THE WHITE HOUSE,  
*March 4, 2024.*

# Reader Aids

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